NYPL RESEARCH LIBRARIES
3 3433 08176432 0

44TH CONGRESS, 2d Session. } SENATE. { MIS. DOC. No. 45.

U. S. Privileges + Elections Committee

MISSISSIPPI.

TESTIMONY

AS TO

DENIAL OF ELECTIVE FRANCHISE IN MISSISSIPPI

AT THE

ELECTIONS OF 1875 AND 1876,

TAKEN UNDER

THE RESOLUTION OF THE SENATE OF DECEMBER 5, 1876.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1877.

Checked
May 1913

ASTOR LIBRARY
APR
19
1881

James Redpath.

CONTENTS.

Names of witnesses.	Page.
Abbey, Richard	651
Barksdale, Ethelbert	839
Blessing, I. W	880
Buttler, John S	288
Buttler, Daniel	489
Cessor, J. B	250
Chisolm, W. W	744
Crump, E. H	239
recalled	339
Epperson, William S	374
Frazee, William D	341
Gibbs, W. D	204
Gilmer, John P	497
Hardy, A. M	136
Harns, George E	793
Holland, Warren T	919
Howard, Edward	1
Howard, Merrimon	156
Hunt, Thomas W	902
Hurst, H. P	476
Hurst, Peter	895
Ingraham, Lewis N	940
Johnson, Hiram	928
Kearns, D. C	694
recalled	695
recalled	824
Kennon, W. H	700
Lee, James W	302
Lester, James T	430
Lynch, Hon. John R	108
McKee, George C	1, 000
Nevile, James H	793
Outlaw, Henry	458
Patty, Robert C	581
recalled	629
recalled	671
Price, William	59
recalled	88
Richardson, Thomas	189
Singleton, Thomas T	260
Shelton, Samuel M	721
recalled	762
Smith, Henry R	764
Sprott, W. D	829
Stewart, William N	918

Page.
Swan, George F. 28
Ware, H. R. 972
Welsh, George L. 553
Williams, John J. 924
Williams, J. B. 951
Wilson, George A. 62

MISCELLANEOUS MATTER.

Total registration of Hinds County, together with the official vote in 1876 11
Registration-law of Mississippi 32
Extract from the Yazoo Democrat: "The white-line army—Nine hundred riflemen eager for the fray," &c 82
"I don't know, * * * 1,900" 192
Democratic platform of the State of Mississippi in 1868—resolution therefrom .. 220
Declaration under which an organization was formed in 1874 in the State of Mississippi 225
Report of a meeting held by citizens of Mississippi—decided that the democratic party would nominate and elect to office none but white men of undoubted fidelity to that party 232
From the Canton Mail: "David Jenkins, Alfred Handy, and some others might just as well make up their minds to ground arms now as later in the campaign" 277
From the Meridian Mercury: "A threatened riot that was suppressed at Artesia—The whites call upon the United States troops—Five hundred stands of arms captured from the radical negroes" 311
From the Republic: "Destroying republican drums—A white-line cavalryman wounded" 316
From the Aberdeen Examiner: "Maj. Jonas—If time and space in your columns will permit, I will drop a line in regard to a comical combat which occurred last Saturday night" 316
From the Columbus (Miss.) Index: "The barbecue at Siloam" 317
"White men shall rule, eh?" 319
"The infamous amendments" 319
"Mad-dog Morton" 320
Letter from Gen. W. F. Tucker 344
Report of the foreman of the grand jury, William D. Frazee 345
Resolutions adopted by a club that met at the court-house in Houston in 1876 357
"Freedmen for office in preference to carpet-baggers" 418
Letter from J. Z. George 486
Affidavit of Perry Moore 531
Sworn statement of District Attorney Woods 532
Affidavit of James Haughey and W. B. Lockett 533
Resignation of W. W. Chisolm as judge of the probate and county courts of Kemper County 533
Card from Judge W. W. Chisolm 549
Letter from Geo. L. Welsh, esq.; "the case of Chisolm" 555
"The black color-line" 583
"A gallant chancellor" 584
Report of the grand jury to the Hon. J. A. Orr, judge of the seventh judicial district 587
Letter from George E. Harris, attorney-general of the State of Mississippi, to the President of the United States 590

Page.

Letter from Rev. Dr. Revels, late United States Senator from the State of Mississippi, to the President of the United States 594
Petition to the legislature of Mississippi by the tax-payers 595
Extracts from the governor's message 603
From the Free Opinion, Macon, August 6, 1875; "The Legislature" 606
The vote for the different candidates for governor and State treasurer of the State of Mississippi and President of the United States in the years 1869, 1872, 1873, 1876 608
Extract from the annual report of the auditor of public accounts 611
Extract from the Daily Clarion of Friday, February 2, 1877 612
Act to confer civil rights on freedmen, and for other purposes 629
Act to regulate the relation of master and apprentice as relates to freedmen, free negroes, and mulattoes 631
Act to amend the vagrant laws of the State 634
Resolution passed at Cooksville, Noxubee County, in 1875 648
Letter from Robert C. Patty for the democratic executive committee 648
Letter from Houston Burruss 666
Affidavit of W. W. Doss 672
Extracts from an act to reduce taxes, and for other purposes 676
Report of a joint special committee of the legislature of Mississippi 677
Letter from J. Z. George 679
Appendix to the letter of Mr. George 684
Affidavit of J. B. Allgood 703
Affidavit of T. J. Reed 704
Affidavit of W. G. Lake 706
Affidavit of Adam Dantzler 706
Affidavit of Robert Douglass and Eli Moore 707
Affidavit of Robert Cutts 708
Affidavit of Andrew Ballard 708
Affidavit of James Constantine 709
Affidavit of A. C. Cain 709
Affidavit of Elisha Bryson 710
Affidavit of J. B. Nelson 711
Affidavit of John Jackson 711
Letter from James Hill, secretary of state 712
Letter from S. M. Shelton 731
"Rally republicans." 747
Letter from James H. Nevile 785
Letter from James H. Nevile 791
Act to provide for the filling of vacancies in office, as required by section 13, article V, of the constitution of this State 795
Resolution proposing an amendment to the constitution of Mississippi 796
Statement of G. E. Harris, attorney-general of Mississippi 802
Vote in Mississippi for 1873, 1875, and 1876 813
An act to allow judges of the supreme court to retire from the duties of said office on account of age and infirmity 819
Preamble and resolutions adopted by the Jackson republican club at a meeting held in the city of Jackson, October, 1874 846
Petition to the legislature of Mississippi, adopted at a tax-payers' convention 848
Letter from Robert J. Alcorn 854
Letter from A. Warner 870
Preamble and resolutions adopted at the last meeting of the democratic executive committee of Jefferson County 903
"Rads. in council" 904

Page.
"Radical meeting—democratic speaking" 904
Minutes of the Greenville Democratic Club, August 16, 1876 905
"Patronize your friends" 905
"Dowu to bread and meat" 906
"District No. 1 brings their nose to the grindstone" 906
"Ebenezer indorses" 907
"Last Saturday" 908
"Church Hill" 909
"To the laborers and lessees of Jefferson County" 909
Vote of 1873 975
Address of the State executive committee to the republican voters of Mississippi. 978
Affidavit of A. W. Little 989
Resolution of the democratic club of Marion, Ala 1000
"Threats of violence" 1001
"P. C.—pole-cat convention" 1001
"That senate scene" 1002
"Horace Greeley in 1871" 1002
"Opinions of New England" 1002
"Secession right" 1003
Choctaw County (Miss.) democratic resolutions, September, 1871 1003
"Preparations for mischief" 1003
"The first scene in the play of violence" 1004
"Public men traduced" 1004
"Philadelphia denounced" 1004
"Yankee pimps and spies" 1005
"Immigration declared a curse" 1005
"Dead negroes" 1005
"See after the hogs" 1005
"Register! register!" 1006
"Let us look back to the past" 1006
"A distinction without a difference" 1007

MISSISSIPPI.

TESTIMONY TAKEN BY THE SUBCOMMITTEE OF THE COMMITTEE ON PRIVILEGES AND ELECTIONS, CONSISTING OF MESSRS. MITCHELL, TELLER, AND KERNAN, AS TO THE DENIAL OF THE ELECTIVE FRANCHISE IN THE STATE OF MISSISSIPPI, AT THE ELECTIONS OF 1875 AND 1876.

WASHINGTON, *January* 13, 1877.

EDWARD HOWARD sworn and examined.

By Mr. MITCHELL:

Question. Where do you live?—Answer. In Jackson, Miss.

Q. How long have you lived there?—A. Since July, 1875. I am traveling, of course, through the State.

Q. What is your business?—A. I am special agent of the Post-Office Department.

Q. How long have you been special agent?—A. I have been special agent since July, 1875. Prior to that I was in the Auditor's office of the Post-Office Department.

Q. What date was the election in 1875 in Mississippi?—A. In November.

Q. You were there then some four months before the State election?—A. Yes, sir; but I was not well in the State and not thoroughly conversant with it.

Q. Have you since July, 1875, been over the State considerably?—A. Yes, sir; I have beeen pretty thoroughly over it.

Q. In all parts?—A. Not quite in all parts, the Yazoo River being the exception. I have had no offices up there to attend to.

Q. Do you consider yourself thoroughly acquainted with the state of affairs in Mississippi?—A. Pretty generally so, I should think.

Q. Did you take part in the last campaign in Mississippi?—A. No, sir.

Q. You were attending to the business of your office?—A. Yes, sir.

Q. State where you were on the day of the election.—A. In Jackson, Miss.

Q. How many polls are there there?—A. There are three in the city, the north, south, and west wards, and a poll called Tinnin's Monument outside of the corporation.

Q. Which poll did you attend that day?—A. I visited all the polls. I visited the north, south, and west wards and went somewhat around the Tinnin's Monument poll.

Q. Can you state anything as to any particular poll; and, if so, which one?—A. I paid special regard to the Tinnin's Monument poll, it being outside of the corporate limits and I living just outside the corporate limits.

Q. State what you know about the number of registered voters in the

precinct.—A. The number of registered voters at that poll was 793, 588 colored and 205 whites, I think.

Q. How many votes were cast at that precinct for President and Vice-President?—A. Three hundred and fifty-six. I believe I am exactly correct.

Q. How many of these were democratic?—A. Two hundred and fifty-four, I think.

Q. And 102 republicans?—A. One hundred and two republicans.

Q. How many voters who were registered at Tinnin's precinct did not vote?—A. Four hundred and thirty-seven, I think, if my memory serves me.

Q. Were these 437 who did not vote whites or blacks, or have you any means of knowing?—A. I made a very careful investigation so far as I could, and I found in my knowledge but one white man absent, and he a republican. Mr. Little, the chief clerk of the supreme court.

Q. But one white man of the registered whites was absent, and he a republican?—A. Yes, sir; so far as I could find. I did not have access to the tally-list; but, so far as I could find, that was all.

Q. State what you know, if anything, as to the reason why these 436 blacks did not vote.—A. The poll was surrounded by a large crowd, and the operation of it was to prevent men reaching the poll and voting before dark came on.

Q. At what time, under the laws of the State of Mississippi, do the election polls open and close?—A. They should open at eight o'clock, and close at six, I believe.

Q. Six in the evening?—A. Yes, sir.

Q. Was this crowd around the polls white or black?—A. It was a mixed crowd.

Q. Were there many more present in the vicinity of the poll for the purpose of voting than did vote?—A. O, yes; there were large numbers there who waited at the polls from early morning until late in the afternoon, and failed to vote.

Q. How many do you suppose; have you any knowledge on that subject?—A. Up to three o'clock in the afternoon I staid at my home outside of Tinnin's. I made a count of those who reported to me, and I counted over 100. I then started and went up to the town and reported to the chairman of the committee.

Q. Over 100 who were desirous of voting?—A. Who were desirous of voting and did not vote.

Q. Why did they not vote?—A. They reported that they were unable to get to the polls in order to vote.

Q. Who were there at the polls so as to prevent them?—A. They were our ordinary citizens, whites and blacks. Some gentlemen I knew from Jackson had gone out there looking after the election.

Q. Describe how they acted.—A. There was quite a large crowd there, and the delay at the polls was so great, the clerks asking so many questions and the judges of election interposing so many objections, that it was extremely difficult, almost impossible, to get anybody to vote at all. So matters went along until three or four o'clock in the afternoon, and then as dark came on the negro element, the republican voters, began to get alarmed at the rather uproariousness of the crowd, and broke for Jackson, and come in.

Q. Was the crowd uproarious around the poll?—A. Rather expressive and demonstrative.

Q. In what way?—A. They were rather jubilant, and inclined to be

a little overbearing; but there was nothing in the shape of drawing arms, or anything of that kind.

Q. There was no drawing of arms that you saw there at that poll?—A. No, sir.

Q. What were the politics of the men who held that election, of the supervisors?—A. A majority of supervisors were democrats, the democratic party being in the majority in the State.

Q. How many persons constitute the board of supervisors?—A. Three.

By Mr. KERNAN:

Q. Two democrats and one republican?—A. Yes, sir.

By Mr. MITCHELL:

Q. And then they have clerks?—A. Yes, sir; they have a clerk.

Q. One or two?—A. I am not sure whether one or two.

Q. Are they selected by the judges on the morning of the election?—A. I think so; they are appointed by the judges of election. I desire to be understood in my testimony that I take very little interest in State politics; none at all; and I simply testify to what I have seen and know without any reference to political parties, for the reason that I take very little interest in politics, except in national politics.

Q. What was this Tinnin's precinct, a republican or a democratic precinct?—A. According to my understanding of it, it was republican very nearly three to one.

Q. Was there any reason to your knowledge for delaying this vote so that but 356 votes could be cast during that day?—A. I know of no reason for delaying the vote, except the fact that the polls were opened late.

Q. How late were they opened?—A. They were opened between half-past ten and eleven o'clock.

Q. Why were they not opened at eight o'clock, if you know the reason?—A. I can tell you why, but I do not personally know it.

Q. State what you know; what your information is?—A. It appears there was no officer there to administer the oath to the judges of election.

Q. Do you know why that mistake happened?—A. I cannot tell you.

Q. But the fact is that the polls at that precinct were not opened until between ten and eleven?—A. Between half past ten and eleven.

Q. At what time were they closed?—A. At the usual hour—six o'clock.

Q. From your knowledge of the manner of conducting elections in the State of Mississippi, what is your judgment as to the number of men who could reasonably have voted at that election precinct on that day?—A. All the way from 1,000 to 1,500.

Q. Were you close enough to observe that there was unreasonable and unnecessary delay by the action of the supervisors holding that election?—A. No, sir; I do not testify to that, except to the fact that the delay was such that the men were there waiting to vote, but were unable to vote as they reported to me. I being a United States officer, they imagined I had power to rectify it, but I did not have the power.

Q. You did not attempt it?—A. I did not attempt it at all.

Q. State what you know about those who had voted remaining at the polls and crowding others back.—A. I cannot state whether white men or black men who voted remained at the polls. My judgment, judging from appearances, is that a large portion of the white men staid and electioneered, and that the negroes generally left the polls as soon as they had voted.

Q. What means were used to delay the voting there, if you know?—A. The ordinary means was the long process of asking questions and wanting to know a man's initials, what plantations he resided on, identifying him, &c. That was the general system. The registration-law is so complicated and provides so many questions that the people were unable to vote any faster, owing to the challenges at the polls.

Q. You state that in your judgment there was unnecessary delay there?—A. Yes, sir.

Mr. KERNAN. I object to the witness stating his judgment. If he will give the facts we can judge, and I object to his judgment as to unreasonable delay.

The WITNESS. I think the other polls in the same county will show the same thing.

Q. (By Mr. MITCHELL.) Is not registration evidence of the right to vote without further question under the law?

Mr. KERNAN. The law will show that, and I object to the question. We can send for the law and have it here.

By Mr. MITCHELL:

Q. That is Tinnin's precinct. You know the fact, then, as I understand, that there were about 437 republican voters who failed to vote at that precinct that day for want of an opportunity, who were registered there and who had a right to vote?—A. I would rather not answer the question put in that way. I am aware that 437 of the registered voters did not vote, and, to the best of my belief and knowledge, so far as I can investigate the matter, they were nearly all, with perhaps two or three exceptions, republican voters.

Q. You say a good many reports were made to you by voters during the day, under the impression that you had some power to aid them. What was the nature of those reports?—A. Let me explain to you. My house is a little outside of the corporation, and, consequently, voters coming in pass my gate, almost in the center of the road, as they came in. As almost every body knew me, they would stop and say, "Mr. Howard, cannot you manage to get us a chance to vote at the poll out at Tinnin's?" I would see what the matter was, and follow it up as well as I could to the chairman of the committee, and to Hon. George C. McKee. In fact, Mr. McKee brought back some of the parties who endeavored to vote after I sent them to him.

Q. Did complaints come to you from any other polls during the day?—A. Complaints came in from five men from Clinton. They also passed in over our road; and they undertook to make affidavits before me, to state that they had been driven away from the polls.

Q. They made affidavits before you?—A. They endeavored to make affidavits before me, but I am not authorized to administer oaths.

Mr. KERNAN. I desire to have it distinctly understood that I must object to the witness stating what men came and said.

The WITNESS. To save the Senator trouble, I will state that I think those affidavits will be in evidence hereafter. I think they have been already drawn.

By Mr. MITCHELL:

Q. What is your county—Hinds County?—A. Hinds County.

Q. Will you explain the relative vote of that county at the recent presidential election?—A. Do you mean how it compares with the election before?

Q. Yes, sir.—A. The total vote in 1875 of the county was about six thousand one hundred, and in 1876 it will fall, I think, about one hundred and seventy votes below that.

By Mr. KERNAN:

Q. About six thousand votes were cast then?—A. Five thousand nine hundred and odd. There is a difference of one hundred and seventy votes, any way.

Q. Less?—A. Yes, sir; less.

By Mr. MITCHELL:

Q. You have had, you state, good opportunity for observing the state of affairs in other parts of the State of Mississippi?—A. Yes, sir.

Q. What is the general feeling of republicans in the different counties?

Mr. KERNAN. On what subject?

Mr. MITCHELL. On the general subject of elections in that State.

Mr. KERNAN. What sort of evidence is it to ask what is the general feeling of a party in the State?

Mr. MITCHELL. As to their right to vote in the recent election.

Mr. KERNAN. I object to that. Rumor through the newspapers would be better than that.

Mr. MITCHELL. I ask the witness to state anything he knows.

Mr. KERNAN. But he can only know from rumor.

Mr. MITCHELL. The witness has stated that he has been all over the State and has a general knowledge of it.

Mr. KERNAN. I do not object to his stating any knowledge he may have, but I object to his giving what people say is the feeling.

The WITNESS. If I answer the question I will answer it as to statements made to me by republicans; not rumor, but absolute statement.

Mr. KERNAN. That is rumor in law. I object to his stating what people have said to him about the state of feeling after the election. I suppose he would refer to things said since the election?

The WITNESS. No, sir.

Mr. KERNAN. Well, before, either.

By Mr. MITCHELL:

Q. State the feeling of republicans in your own way.—A. In traveling over the State in my official duty, of course I came across the republican and Federal officers all through the different counties. I think the expression was universal to me that unless some protection could be afforded it would be impossible to poll anything like our regular vote; that it was as much as a man's life was worth to vote at all.

Q. Why? What reasons were given generally?—A. The reason given was the general state of terrorism at the former election in 1875; the fact that the same means were used to control the election of 1876, and that they would be ostracized in business and social relations, and they dared not, they could not, stand the battle.

Q. How was it about holding political meetings, if you know?—A. The attempt was made in several places to hold political meetings.

By Mr. KERNAN:

Q. You are speaking of what you know?—A. Yes, sir.

By Mr. MITCHELL:

Q. The attempt was made by republicans to hold meetings?—A. Yes, sir.

Q. Very well; go on.—A. In attempting to hold political meetings the idea was prevalent, before they were held, that it would be a waste of time, and probably lead to danger, and they had better not be held at all; but still attempts were made in some cases.

Q. With what result, as a general thing?—A. The result was that trouble arose in the meetings and broke them up.

Q. I understand you to state, then, as a general rule, that the republicans were unable to hold, or did not hold, meetings throughout the State during the recent campaign?—A. I will state that, in my belief, the republicans of the State of Mississippi, or in those portions of the State——

Mr. KERNAN. I object to the witness stating his belief. It is not evidence.

By Mr. MITCHELL:

Q. Proceed.—A. The republicans in those portions of the State which I visited were in such a state of fear of trouble arising at their political meetings, that it was the better feeling not to have any meetings at all, so as to avoid the possibility of danger. The expression was very frequently used to me, whom they seemed to regard, I being a United States officer, one who could have the power to protect them: "Mr. Howard, if you give us protection we will come up all right; and if you do not, we cannot." That was the general expression, and conveys the idea better than I can give it in any other way.

Q. What do you know, if anything, in regard to the breaking up of a political meeting at Port Gibson in the recent campaign?—A. I do not know anything as to the breaking up of the meeting there.

Q. Had you been there prior to the meeting?—A. I was there prior to the meeting.

Q. State what you do know, if anything, in reference to that meeting.—A. I was at Port Gibson making an arrest, and came in contact with a good many gentlemen, democrats and republicans, and I came to the conclusion that it would be unsafe to hold a meeting there.

Mr. KERNAN. I object to the witness saying what his conclusion was. He says, "I came to the conclusion." You might as well put in evidence one of the speeches made in the Senate.

The WITNESS. I will swear that it was unsafe to hold the meeting.

Mr. KERNAN. I cannot help what you are willing to swear. I want you to speak of the matter of your own knowledge. There is a difference between that and a matter of opinion. I do not care about the latter.

Q. (By Mr. MITCHELL.) What county is Port Gibson in?—A. Claiborne County.

Q. Go on with your statement. You say you were there prior to the time when this meeting was held or when it was to be held?—A. Yes, sir.

Q. How long prior?—A. About two weeks.

Q. It was then the intention of republicans to hold a meeting there?—A. Yes, sir.

Q. It was so advertised?—A. Yes, sir; it was so advertised. It was one of Mr. Lynch's appointments.

Q. Mr. Lynch, the republican candidate for Congress, was to speak?—A. Yes, sir; it was in his district.

Q. Go on with your statement.—A. As I was stating when the Senator objected, I knew it to be unsafe, and I publicly warned Mr. Lynch

when I came back that the state of feeling was so excited that, if he would take my advice, he would not go to Port Gibson to speak.

Q. Why did you inform Mr. Lynch this?—A. Because I talked with gentlemen on both sides down there, and I found there was a general determination that General Chalmers should be elected and that Mr. Lynch should be beaten. The expressions were such as led me to infer that the county of Claiborne would be carried right or wrong, and that no attempt would succeed to hold a republican meeting there.

Q. Were there any threats of violence that you heard of?—A. I would not put it in that way.

Q. State it in your own way.—A. No one would say he would kill anybody; but the expression was general that the republicans could hold no meeting there.

Q. That was the general expression among the democrats?—A. Yes, sir; among the gentlemen whom I have associated with, men whom I supposed to be democrats from their manner of talking; in fact, I know they were democrats, some of them.

Q. Were they men holding social position there, or were they what we would call the riffraff?—A. I will instance Mr. Whelus, who owned the hotel where I staid.

Q. What is his first name?—A. I cannot tell you his first name; I have forgotten it. He was a candidate for the post-office there; and in the endeavor to conciliate, I told Mr. Lynch I would be willing to recommend him; that I thought personally and in a business manner he was a perfectly honest man, and, in the view of conciliation, I suggested to Mr. Lynch that it would be perhaps wise to appoint him postmaster there.

Q. He was a democrat?—A. Yes, sir; I suggested that to quiet the feeling there, but Mr. Lynch refused to make the appointment.

Q. State what you know about the meeting being held, or whether it was held or not, at the time designated?—A. I think, Senator, you had better get that from somebody who was present at the meeting.

Q. Do you know that Mr. Lynch went there and attempted speak?—I know that he went there and attempted to speak, and that a disturbance arose and the meeting was broken up.

Q. Do you know the nature of that disturbance from general repute throughout the State?—A. Only from general repute and the statements of one or two who were there that I have met.

Mr. KERNAN. I object to the witness stating the general repute.

Mr. MITCHELL. I ask the answer of the witness to go down, and the objection can be entered.

Mr. KERNAN. I object also to the witness stating what men have stated. There is not any law whereby a man's character can be attacked by what a person may say behind his back that I ever heard of. If the witness knows anything of his own knowledge or saw anything, let him state it.

Mr. MITCHELL. It appears to me that in a notorious matter like this the witness may be allowed to state the general repute.

Mr. KERNAN. In our country it is the greatest folly to call men to testify to what they hear. I heard evidence read in the Senate myself, where men testified that they were told to state these things before the election. What we want is facts.

By Mr. MITCHELL:

Q. State about the meeting.—A. The meeting was organized, and a dispute arose. The negroes broke and were fired upon, and they returned the fire, as I understand it, to some extent.

Q. Was anybody killed or hurt?—A. I think one man was shot through the ankle.

Q. Was this meeting announced as a republican meeting exclusively?—A. Yes, sir.

Q. It was not announced as a meeting for general discussion?—A. Not to my knowledge.

Q. Did the democrats demand a general meeting at the time, do you know?—A. I answer again in the same way; I so understood.

Q. The republicans declined, and they were fired upon?—A. That is my understanding.

By Mr. KERNAN:

Q. And they returned the fire?—A. Yes, sir.

By Mr. MITCHELL:

Q. Do you know whether there was any speaking at all?—A. I think Mr. Richardson, the newly appointed postmaster, did make a short speech and then Mr. Lynch attempted to take the stand, when the whole thing was broken up.

Q. Mr. Lynch was prevented from speaking at all?—A. Yes, sir.

Q. What do you know, if anything, about a meeting announced to be held at Fayette during the campaign?—A. I know very little about that meeting.

Q. What county is Fayette in?—A. Jefferson County. I know nothing definite; I know nothing of my own knowledge.

Q. You know by general repute?—A. Simply by general repute.

Mr. KERNAN. I object to the witness giving the general repute after saying that he knows nothing of his own knowledge.

Mr. MITCHELL. As a matter of political history in that State, I think the witness should be allowed to give it.

Mr. KERNAN. You ask him directly what is the general repute about the Fayette meeting, and I object to it.

The WITNESS. You will find witnesses who can give an account of that meeting better than I can, by direct testimony. I do not think I ought to be pressed on that subject.

By Mr. MITCHELL:

Q. I will ask you if this was not a matter of general notoriety throughout the State?—A. Yes, sir.

Q. In the newspapers of both political parties?

Mr. KERNAN. They are not evidence. If they are, they must be produced, instead of giving them second-hand.

Mr. MITCHELL. That would take too long.

Mr. KERNAN. Not as long as to go through in this way, which will take forever.

Mr. MITCHELL. I will state that I do not wish to ask for anything except that which will bring out the general state of affairs in Mississippi. That, I think, we are entitled to have. If a matter has occurred there that has become part of the political history of that State in the recent campaign, I think we ought to know it.

Mr. KERNAN. I desire to state that if there were occurrences of violence, or threats, or anything else, there must be men who were there who can state them, and I object to any gentleman giving what is general repute, or report, or hearsay. It is not evidence, and will be of no value. It is only an expenditure of time to take it, because the gentleman does not know of his own knowledge.

The question was read to the witness as follows: "I will ask you if

this was not a matter of general notoriety throughout the State, in the newspapers of both political parties?"—A. Yes, sir.

Mr. KERNAN. If the papers are to be evidence, they ought to be produced.

By Mr. MITCHELL:

Q. State what took place there, if you please, according to this general notoriety throughout the State.—A. The general understanding, and the report of all the papers, and the belief of people through the State, was that the meeting had been forcibly broken up by force of arms, and that the negroes were driven off the ground.

Q. Was it announced as a republican meeting?—A. Yes, sir.

Q. State what you know about any meeting or meetings held, or announced to be held, at Rodney, in Claiborne County.—A. I do not know how that question suggests itself. It is entirely out of my district. I know nothing really of that particular meeting. You will have to question some other witness about it.

Q. State what you know, if anything, about any declaration by any democrat or democrats in the State of Mississippi to the effect that the republicans could not be, or would not be, allowed to organize their campaign in that State.—A. I call to mind but one incident, which occurred in May last, I think during the meeting of the legislature, being that of Judge Percy, of Washington County, with whom I was acquainted, of the judiciary committee of the legislature.

Q. The chairman of the judiciary committee?—A. My impression is he is second on the list.

Q. The committee of the senate or house?—A. Of the house. I think he is second on the judiciary committee of the house.

Q. In the State legislature?—A. Yes, sir.

Q. What did you hear him say?—A. I had been over in Washington County once or twice on some matters there, and in talking with Judge Percy the question arose as to the rebuilding of the republican party after the defeat of 1875. Of course the party was demoralized, and the question arose in that way. The judge looked at me, and smiling, said "Well, Mr. Howard, we do not allow the republican party ever to be built up in Washington County any more." So the conversation passed along. I told him I would take a contract to build it up, and I would meet force by force. "Well," he says, "you cannot build the party up in our county any more; we do not propose to allow it." That is the only instance in which I recall anything of that kind.

Q. What, if anything, did he say of the means to prevent it that would be employed?—A. I have stated substantially what he said.

Q. What means, if any other than direct intimidation, have been used with a view of coercing republicans in that State?—A. Just the ordinary pressure brought to bear by ostracism, by depriving a man of his means of employment, and where a man stands by the democratic party, providing employment for him and generally helping him along; I think that is the general system, taking care of those who help them.

Q. From your knowledge of politics in the State of Mississippi and of the manner in which the recent campaign was conducted in that State, what have you to say in regard to the general determination of democrats throughout the State to do just what Judge Percy said would be done to prevent the republicans from organizing?

Mr. KERNAN. I desire to have an objection entered to the question; I object to the witness stating anything except what he knows. He has sworn that he never heard but one man, and he has given his language. I object to his giving his impression from his judgment about what he

does know generally in regard to the politics of the State. My objection is that he should state anything he knows, and not draw inferences or opinions.

(The objection was overruled.)

The WITNESS. I have no doubt that the democratic party, speaking of it as a whole, were determined to carry the State and to hold possession of the State by any means in their power, whatever might be necessary.

By Mr. MITCHELL:

Q. From what you know about the manner in which the recent presidential election in Mississippi was conducted, what have you to say in regard to whether or not it was a fair election?

Mr. KERNAN. I make the same objection as before. The witness should state facts and not give his opinion.

(The objection was overruled.)

The WITNESS. In the North it would be called a farce; down in Mississippi it is called an election.

Q. Why would it be called a farce?—A. About one-half the people voted, and there was no such thing as a free expression of opinion, as we understand by an election.

Q. Did the democrats vote?—A. I should judge they did pretty thoroughly.

Q. And a very large proportion of the republicans did not vote for the reason you have stated?—A. I can easily illustrate. In my county, Hinds County, the official tally-sheets will show that out of a total registration of 5,909, 1,789 staid at home; very nearly 1,800.

Q. They did not vote?—A. They did not vote.

Q. And you have means of knowing that these were republicans generally?—A. I will not swear as to the 1,789 being republicans throughout the whole county. Of course I made no such investigation, but I have no earthly doubt in the world that a very large majority of them are republicans.

By Mr. KERNAN:

Q. That is an opinion?—A. It is just an opinion.

By Mr. MITCHELL:

Q. From what you know of the state of feeling among the colored voters of the State of Mississippi, what do you say as to what ticket they would vote if they had a free choice?

Mr. KERNAN. I object to that question. It is asking the witness for an opinion. I want him to tell what he knows, and to give no opinion.

The WITNESS. I think I can answer satisfactorily to Senator Kernan without trenching on his objection; and I will answer in this way: I have never met but two democratic negroes.

By Mr. MITCHELL:

Q. In the State of Mississippi?—A. Yes, sir. I do not want it to be understood that I swear there are no more there; but I simply say I have never met more than two.

Q. What do you know, if anything, (I do not know whether you do or not,) about any negroes voting the democratic ticket under threats, intimidation, or anything of that kind?—A. I cannot answer specifically.

Q. You state, as I understand you, that there were nearly 1,800, or about that number, who did not vote?—A. About that: 1,789.

Q. Of the registered voters in Hinds County, who did not vote?—A. Yes, sir.

By Mr. KERNAN:

Q. According to the tally-lists?—A. Yes, sir.

By Mr. MITCHELL:

Q. How do you get that information? Why do you state that number?—A. The democratic registrar, Mr. J. T. Lester, boards with me, and he kept the official tally-lists or tally-sheets. He published that statement in the official democratic paper of the State, the Clarion; I produce it here, [exhibiting,] and am prepared to swear that it is correct within one or two votes.

By Mr. KERNAN:

Q. He published what in the paper?—A. He published that statement. I will let the Senator see it. [Presenting paper.] That is the statement exactly.

Q. He published the statement which you produce?—A. Yes, sir, I present that. It is correct just as it stands, any way.

By Mr. MITCHELL:

Q. Mr. J. T. Lester is the registrar?—A. He is the democratic registrar.

Q. The statement I hold in my hand, then, is a statement prepared and published by him?—A. Yes, sir.

Q. That statement, as I understand, shows that, of the voters registered in Hinds county, 1,789 did not vote?—A. Yes, sir.

Q. Does this statement show the whole number of registered voters in Hinds county?—A. Yes, sir.

Q. What is that number?—A. You have the figures there; I cannot remember. [Mr. Mitchell handed the list to the witness.] The total registration in the county of Hinds was 7,778.

Q. What was the whole vote in that county?—A. The whole vote in the county was 5,999.

Q. Being a difference of how many?—A. Of 1,789.

(The statement was put in evidence, as follows:

HINDS COUNTY—OFFICIAL VOTE.

RAYMOND, *November* 10, 1876.

EDITORS CLARION: I give you below the total registration of the county, together with the official vote, as shown by the tally-sheets:

Election district.	Democratic.	Republican.	Total.	Democratic majority.	Registered white.	Registered colored.	Total registration.	Registered and not voted.	Republican majority.
Auburn	187	.....	187	187	74	128	202	15	.....
Bolton	389	151	540	230	380	292	672	132	.....
Brownsville	384	70	460	308	225	353	578	118	.....
Byram	160	30	190	130	72	174	246	56	.....
Cayuga	99	.....	99	99	73	56	129	30	.....
Clinton	319	71	390	248	207	419	626	236	.....
Dry Grove	503	231	734	272	281	568	849	115	.....
Edwards	571	278	849	293	247	926	1,173	321	.....
Jackson, N. ward	207	158	365	49	175	225	400	35	.....
S. ward	205	82	287	123	210	106	316	29	.....
W. ward	88	94	184	.....	90	116	206	22	6
Raymond	584	91	675	493	303	550	853	178	.....
Terry	170	99	269	71	108	193	301	32	.....
Tinnin's Monument	254	102	356	152	205	588	793	437	.....
Utica	389	15	404	374	222	212	434	30	.....
	4,509	1,478	5,989	3,037	2,872	4,906	7,778	1,789	6

In this table I have taken the largest democratic vote and the largest republican vote.

J. T. LESTER, *Registrar.*)

The WITNESS. I will state that I have endeavored to get the same information in regard to other counties, but have utterly failed.

Q. (By Mr. MITCHELL.) Do you know of efforts being made by republicans in Mississippi to obtain statements from other counties as to the votes similar to the one in reference to Hinds County?—A. Yes, sir; the candidate for Congress in my district, Mr. Shaughnessy, at my suggestion and others, applied to the chancery clerks for registration-lists similar to this one, and up to the time I left was unable to get any statement at all.

Q. These tally-sheets are sent to whom?—A. They go, as I understand, to the chancery clerks.

Q. Under the law?—A. Yes, sir.

Q. They are Democrats?—A. Pretty generally, I judge.

Q. What do you know, if anything, about their refusing to furnish copies?—A. Up to the time I left, we were unable to get them.

Q. In reference to any county except the county of Hinds?—A. So far as my knowledge goes, we did not get them from any county except Hinds, and that was not from the chancery-clerk, but through the courtesy of Mr. Lester.

Q. How many counties constitute Mr. Lynch's district in Mississippi?—A. I have forgotton the exact number. It extends nearly the whole length of the Mississippi River, and includes nearly all the river counties.

Q. What has been the republican majority in Mr. Lynch's district heretofore?—A. The district has been changed since the last congressional election. I am not enabled to give the majority for the reason that this is the first time we have had an election in that district as organized at the recent election, but I know that the majority was estimated all over the State as from 10,000 to 15,000.

Q. What is the estimate all over the State in regard to the republican majority in the present district on a fair vote?

Mr. KERNAN. I object to that as being no evidence at all.

(The objection was overruled.)

A. I will state from 10,000 to 15,000.

Q. (By Mr. MITCHELL.) Republican?—A. Yes, sir.

Q. What was the majority against Mr. Lynch at the recent election?—A. About 4,000. Mr. Chalmers had a majority of about 4,000.

Q. Do I understand you to state, then, that in the congressional district known as the Lynch district, in the State of Mississippi, a change was wrought in the vote, through intimidation and fraud, of about 20,000?

Mr. KERNAN. I object to asking the opinion of the witness about it.

Mr. MITCHELL. I am asking for the fact.

Mr. KERNAN. It is only an opinion. We have got the fact what the vote was and what the majority was.

(The objection was overruled.)

The WITNESS. I answer that from the portion of Mr. Lynch's district with which I am acquainted, I have no doubt that fraud and intimidation carried Chalmers in, and wrought this change that is spoken of; it changed it around.

Q. (By Mr. MITCHELL.) The change, then, is not the result of a voluntary change in the sentiment of the people?—A. I have no idea in the world that it is.

By Mr. KERNAN:

Q. As I understand, you went to Mississippi in July, 1875?—A. Yes, sir; the first time.

Q. That was the first time you ever lived in the State?—A. Yes, sir.

Q. Where did you live before you went there?—A. I lived in the city of Washington.

Q. How long did you live in Washington before you went to Mississippi?—A. From the beginning of 1868, or December, 1867; I am not quite certain which.

Q. What were you doing here?—A. I was employed as a clerk in auditing the post-office accounts in the Auditor's Office.

Q. Before you came here to be clerk, where did you live?—A. I lived in Philadelphia. I was superintendent of the Soldiers' Home in Philadelphia.

Q. Before you held that office, where did you live?—A. In Connecticut.

Q. What did you do there?—A. I was a boy during those times.

Q. Then during the time of your manhood you have been in no business except holding these positions?—A. Except that I fought about four years and a half in the war.

Q. What time were you in the war; from what year to what year?—A. I was in the Army from 1862 to the 9th of November, 1865, if my memory serves me rightly. I was wounded in the last part of the war.

Q. Engaged where, in what part of the operations of the Army?—A. In the Ninth Corps of the Army of the Potomac, a portion of the time with the Western Army, and wound up in North Carolina in 1865.

Q. Then you went next to Philadelphia in charge of the Soldiers' Home, and then filled the other positions named?—A. Yes, sir.

Q. As to your business, let me get the idea exactly. You are a post-office special agent?—A. Yes, sir; I have the general supervision of the money-order system of the Southern States. If anything goes wrong at any office, I am the officer to look after it.

Q. You are a special agent to look after anything of that kind?—A. Yes, sir; and I make arrests, of course, where there is any robbery.

Q. You make your home at Jackson?—A. Yes, sir; I have my family there.

Q. Who subpœnaed you?—A. I believe a man by the name of Munson.

Q. Do you know who suggested your name?—A. I believe the chairman of the State committee or congressional committee.

Q. Who came down and got the witnesses in Mississippi?—A. I believe Mr. Munson.

Q. The chairman of the State committee suggested you, as you understood it?—A. Yes, sir.

Q. During the last campaign, what part did you take as a politician, if any?—A. I avoided it very carefully.

Q. You did not take part as a politician; that is, you did not go about?—A. I made no speeches.

Q. You did not go about electioneering?—A. No, sir.

Q. You did not vote at this Tinnin poll?—A. No, sir. As that was not drawn out, let me explain now why I did not vote. The chairman, Mr. Lester, this gentleman whose name is in question, was the democratic registrar, and a friend of mine, and he had under the law to be at Raymond on that day, and so Lester and I voting at this poll agreed to pair off.

Q. You and Lester paired off on the vote?—A. Yes, sir.

Q. Neither of you was intimidated?—A. No, sir; I guess not.

Q. That is not what caused you not to vote?—A. I do not think I could be intimidated about that.

Q. How much of the day did you spend at the Tinnin Monument poll?—A. I spent very little time there; I just went around to the polls.

Q. In all, how much time were you there?—A. Probably I was there half an hour.

Q. Did you see any violence there, what you would call violence?—A. I have already testified that I did not.

Q. Did you see any intimidation there?—A. Let me see how I ought to answer the question, Senator. I did not, under the general meaning of the word "intimidation." I should say, if I answer the question clearly, that there was such a general uproariousness, &c., as perhaps to amount to intimidation.

Q. To give us an idea, was there anything like the uproariousness they would have in one of the wards of Philadelphia at a heated election?—A. I think so; I have had the pleasure of seeing the fourth ward there once in a while.

Q. It was about the same thing?—A. About the same.

Q. But it was good-humored?—A. It was a portion of the time, especially after the dispatches began to come down. We got some Indiana dispatches, and then the democratic side of the house felt good; but up to that time there was a steady determination to prevent republicans from voting.

Q. That made them feel good; they felt enlivened, cheerful, and joyous?—A. Yes, sir.

Q. But there was nothing that you would call violence?—A. No, sir.

Q. You saw or heard no one threatened at that poll?—A. No, sir; I should not like to say that I did.

Q. You saw no one manifest any attempt to commit violence on another at that poll?—A. I stated that I did not.

Q. When did you first go there that day?—A. I went there about two o'clock, I judge; along there somewhere.

Q. The poll was then open and they were voting?—A. Yes, sir.

Q. What knowledge have you of your own as to when it did open?—A. Of my own knowledge I have this: the chief clerk of the supreme court lived with me, and it was agreed that we were to go out, but he got ahead of me at nine o'clock and came back and reported to me that he was unable to vote because the polls were not opened, and then came reports from twenty others.

Q. You would not call that of your own knowledge?—A. No; but I would swear that it is true on reasonable belief.

Q. You will swear that you think it is true as you say, which is all right enough, but of your own knowledge you do not know it?—A. No; I did not see it with my eyes.

Q. You swear to that on your faith in some one who told you?—A. On my faith in a great many, both democrats and republicans.

Q. That would not make it your own knowledge. You probably know enough to know that in a court they would not allow you to say a word about it.—A. I understand that there is a little more latitude allowed before a committee than in a court.

Q. What you did hear about it was that the delay in opening the poll arose from the difficulty of getting an officer to swear the supervisors in. Is that right?—A. There being no officer there.

Q. That was the delay?—A. Yes, sir.

Q. I suppose the men formed in some sort of a line getting up to the polls?—A. Yes, sir; there were lines formed in the first part of the day. You can perhaps better specify the way they stood by a general crowd, such as we have here in the room.

Q. All you know about it yourself is what you saw during the half-hour that you were there?—A. As I stated.

Q. And that was what time in the day?—A. About 2 o'clock, I should judge.

Q. Have you any knowledge of your own as to how many votes had been taken then?—A. Only from my asking the question from our people.

Q. You left and did not go back again?—A. No, sir; I did not go back.

Q. So that your own observation was confined to what you saw during about half an hour?—A. Yes, sir.

Q. And during that time the crowd about the poll was a mixed one, as you expressed it, composed of whites and blacks?—A. Yes, sir.

Q. You said that the supervisors are three?—A. Yes, sir.

Q. Two democrats, you say, and one republican?—A. Yes, sir.

Q. And have they one or two clerks?—A. I think they had two.

Q. And you say the time was being taken up by putting questions with a view of identifying persons voting?—A. Yes, sir; exactly.

Q. I suppose the object was to identify them as the men who were on the registration-list?—A. That apparently was the object. I will answer it that way.

Q. Did you hear the republican registrar say anything there at the poll?—A. I doubt very much whether he was there.

Q. Do you know whether he was there or not?—A. I do not believe he was.

Q. I did not ask you that; you understood me; I asked you if you know whether he was there or not?—A. No, sir; I do not.

Q. Be a little particular; when I ask you what you know, distinguish between that and what you heard. You cannot say whether he was there or not?—A. I did not intend to give the idea that I was trying to avoid the question.

Q. Very well; I only want to save time; I do not propose to ask you what you heard, but what you saw. How many men make the registration?—A. Three.

Q. Were they all of one party?—A. Two democrats in this case and one republican.

Q. The majority have two and the minority one?—A. Yes, sir.

Q. When did you make this investigation in reference to the politics of those who did not vote?—A. Immediately after the election, as soon as I had the tally of the poll. As soon as I had an understanding of how the poll stood, I questioned everybody I could find.

Q The investigation you made was by asking people you met?—A. Simply privately.

Q. How many men do you think you asked in that polling-precinct?—A. I presume with the men who reported to me as they came in, as I stated somewhere else in my evidence, I asked not less than from 150 to 200.

Q. You got information from 150 to 200?—A. Somewhere near that number.

Q. And that was all you could know about it, I suppose?—A. Yes, sir.

Q. Did you get the comparative numbers of colored and white voters from the registration?—A. Yes, sir; from the registration-list.

Q. It is mentioned on the registration-list?—A. Yes, sir; you will find it in that little statement that has been put in evidence. You will find the whole county there.

Q. I suppose there were committee-men of each party there looking after this election, men who attended the polls, whatever you call them?—A. They have delegates from committees to look after the different polls.

Q. Men appointed from each side; and I suppose they were there?—A. I saw the other side, but I did not see any of ours.

Q. You did not have any white men there on your side to look after the poll?—A. No, sir; not that I am aware of.

Q. Were there any United States supervisors there to look after this election—deputy marshals I think they are called sometimes?—A. At that poll? You are speaking of Tinnin's poll?

Q. Yes, sir.—A. I do not remember seeing any.

Q. Do you know whether they were there or not?—A. I will answer that I have no personal knowledge that any of them were there.

Q. Such officers were appointed generally by the marshal when asked for?—A. I believe they were.

Q. And those appointed were generally republicans?—A. I should judge so. I really know so few of the appointees that I would not like to say.

Q. They might very well have been there without your knowing it?—A. They might have been there.

Q. How do you get at the number of democrats and the number of republicans who did actually vote?—A. By Mr. Lester's list, from the tally-sheets.

Q. Did you get the number from the paper which you produced here?—A. Yes, sir; it is contained in that statement.

Q. The information you get of the democrats and republicans who voted is from this statement by Mr. Lester?—A. Yes, sir.

Q. You have given the number, I think, who you learned did not vote as from 150 to 200?—A. Yes, sir; I think about that number; that is, of my own personal knowledge.

Q. As to the questions that were being asked, do they swear the voter there and interrogate him as to his right to vote?—A. I do not know. They ask the questions as they go along, such as "Are you John Thomas?" "Where do you live?" &c.

Q. Can you state any question that you know was unnecessary that was asked?—A. I did not devote my particular attention to that subject, and I would rather you would call another witness on that point, because the committee would then get more definite information than I could give.

Q. You cannot say that any question was asked that was unnecessary?—A. As to the voting at the poll, I cannot say.

Q. You have no knowledge of your own that there was any question asked that was improper to be put or that was vexatious?—A. I believe all those questions were authorized by law, and, therefore, I should hesitate a long while before I would say that they were improper.

Q. They were putting questions there, as far as you know, which were authorized by the law to be put?—A. According to the registration act of that State.

Q. Do you know whether they selected both clerks of one political party or one of each party?—A. I have no knowledge on that point.

Q. Is not 800 in round numbers a pretty large vote to be taken at one poll in a contested district?—A. No, sir; I should judge not. From my experience in elections I should think, looking at the city of New York, where I suppose they poll some 3,000 or 4,000 votes——

Q. You are mistaken, my friend. In my city there was a great row

by both parties once because there were some 800 voters in a precinct, and they did not all get a chance to poll their votes. They vote them in Philadelphia without much question sometimes, but where there are questions to be asked I think you will find it is a pretty large poll.—A. O, yes; that would make a difference.

Q. And that will be the case where there is suspicion. You think the poll opens at eight o'clock and closes at six?—A. Yes, sir.

Q. That would be ten hours?—A. Yes, sir.

Q. Does this paper which you produced here, giving 437 as not voting, state of which political party they are?—A. No, sir; it simply states the number registered who did not vote.

Q. How do you get at the fact that the 437 were all republicans except two or three?—A. Because from my investigation, as I stated, personally——

Q. Please state what you did to get at that fact?—A. I have already stated, I think, that I questioned every voter I could find from that precinct.

Q. That does not amount to more than 200 at the outside. How do you know about the others? You questioned only some 150 or 200?—A. Then I will answer the question in this way——

Q. How do you get at the others?—A. I found but one white man who did not vote the republican ticket; the remainder were negroes, and in ninety-nine cases out of a hundred, according to my knowledge, the negroes are republicans.

Q. How many white men did you ask?—A. I did not need to ask them. I am in a position to know that perhaps, with the exception of one or two, all the negroes in the precinct are republicans.

Q. Have you not seen large numbers of colored men act with democrats in meetings and processions?—A. I never have.

Q. Have you never known of their being intimidated and found fault with by people of their own color because they had voted or wanted to vote with the democrats?—A. I have never known of that personally.

Q. You never heard of that?—A. I have heard it stated by the other side.

Q. They have claimed that quite as generally as your side have claimed, that all the negroes are republicans?—A. I have heard it stated by the other side.

Q. You have heard the complaint on one side by the republicans that the democrats intimidated them, and you have heard the complaint on the other side by the democrats that the republican negroes intimidated the democratic negroes, and forced them to act with them?—A. Yes, sir; but the complaints stand on our side in the ratio of about 90 to 10.

Q. I suppose there is a difference of opinion about that?—A. No, sir; I think not, because you will very seldom find it charged even in a democratic paper that the negroes are prevented from voting the democratic ticket.

Q. I do not speak of what is charged, but I have seen quite strong accounts of colored men being prevented from voting the democratic ticket by men of their own color.—A. In Louisiana and Mississippi.

Q. Yes, sir; and in other States; and plenty of newspapers last fall gave accounts of negroes being mobbed in Virginia by other negroes because they were democrats?—A. I am not acquainted with Virginia.

Q. You have more intercourse with republicans than with democrats?—A. Yes, sir; although I am acquainted with a large number of democrats all over the State of Mississippi.

Q. You spoke of the chairman of your committee and Mr. McKee doing something or saying something; what was that? I did not quite catch it.—A. O, I remember the connection; I stated that as I stood at my gate and these men came to me and stated that they were unable to vote I forwarded them to Mr. H. R. Ware, who was the chairman of the committee; and also in the case of three or four men who were connected with Mr. McKee's plantation, I forwarded them to him.

Q. Mr. Ware was chairman to the republican committee?—A. Yes, sir.

Q. And he was there?—A. He was at his headquarters in the town.

Q. You were known to be a United States officer there you stated?—A. Yes, sir.

Q. Did you visit all the other polls?—A. I visited the west ward and the south ward; I did not go to the north ward, however, particularly. I saw it; I was within a hundred yards.

Q. Were you about as long a time at those polls as at Tinnin's?—A. Something more, I think; that is, at the west and south wards.

Q. The voting was going on regularly and orderly at these other polls?—A. Yes, sir.

Q. There was no violence at either of those polls that you saw?—A. No, sir; none at all.

Q. And no intimidation at either of those polls?—A. Nothing of the kind.

Q. Of your own knowledge, you know nothing of what occurred at other polls than those three that day, as I understand?—A. No, sir; in fact, there are only four polls in the whole range there.

Q. You went to three of these?—A. Yes, sir.

Q. Of your own knowledge, what do you know about any violence being used to prevent their having political meetings, republican meetings?—A. I think you will find that I stated in my direct testimony that I had no personal knowledge.

Q. You have no personal knowledge of any violence?—A. I will put it in another way. I was present at no political meeting at which there was violence used in that way.

Q. How many meetings did you attend, do you think, during the campaign?—A. I attended very few.

Q. About how many republican meetings did you attend?—A. I think no more than three or four.

Q. Did you yourself during the canvass (and by that I mean after the political canvass began in your State) hear any one threaten any colored or white republican, or use any threats of violence toward him in reference to meetings? If so, name who it was and where it was?—A. No, sir; I do not believe I did.

Q. You never heard any threat and saw nothing of the kind?—A. No, sir; not to my knowledge.

Q. Of your own knowledge, do you know of anybody threatening to turn men out of employment if they voted one way or the other? Did you hear anybody so threatened; and, if so, state who it was and where it was?—A. Of course I must answer that precisely as I answered the other question. I never knew it of my own knowledge. You are speaking of before the election, of course.

Q. Yes, before the election, of course. You have given on election-day all that you saw. Where was it that any one spoke to you about being afraid to hold a political meeting?—A. At Port Gibson.

Q. Who was it?—A. Mr. Richardson, the postmaster, Mr. Hall, late postmaster, and other acquaintances I met in Port Gibson.

Q. When was that?—A. Probably about two weeks before the election.

Q. One gentleman was the postmaster, and who was the other one?—A. The one who is now postmaster and the one who was then acting as postmaster, and some other gentlemen there, republicans, generally.

Q. Not generally, as yet; only those two gentleman, I understand. Now, what other person spoke to you there?—A. I do not know that I can recall names; but I can very soon find them.

Q. You do not remember any other names than those two, the one who was acting postmaster and the other who got the office?—A. No, sir; I have no special reason for remembering their names.

Q. It is sufficient for me to know that you do not. Do you remember at any other place any person who before the election told you that there was danger in holding political meetings?—A. Yes, sir; the officers in my department generally notified me so. I will specify as I go along.

Q. I do not want that. Just name the men, and, if they were officers, name the offices they held.—A. I was notified by Mr. Catchings, of Hazlehurst.

Q. What office did he hold?—A. He was postmaster.

Q. At what place?—A. At Hazlehurst.

Q. He spoke of being afraid to hold political meetings?—A. Yes, sir; and Mr. Smith, at Canton.

Q. What is his business?—A. He is postmaster.

Q. Who else?—A. Mr. Avery, of Bay St. Louis.

Q. Was he a postmaster?—A. No, sir; his wife is, but he is not. I do not know what he does.

Q. What is the name of the postmaster at Canton?—A. H. R. Smith, I think; it is Henry Smith, at any rate.

Q. Can you name any other person who expressed this fear to you?—A. No, sir; I do not recall at this moment the names of any other persons within my knowledge.

Q. These were all persons who were holding post-offices. You do not remember any others?—A. Not by name.

Q. Whelus, who was so afraid, was quite anxious to be postmaster?—A. Excuse me, you are evidently mistaken. Mr. Whelus is a well-known democrat at Port Gibson. He was a candidate for the post-office, and I recommended him with a view of conciliating the people there.

Q. He was ready to go in and be afraid too, if put in the post-office?—A. I think not. I think Mr. Whelus is too much of a democrat for that.

Q. Did you hear him say anything about it after he ceased to be a candidate for the post-office?—A. No, sir; I have not been there since.

Q. But the man who got it became afraid too?—A. No, sir; I think not.

Q. I think you gave him as one of them?—A. I gave those before the election, and he was appointed after I left a long while.

Q. You were willing to appoint this gentleman, but Mr. Lynch would not consent?—A. Yes, sir.

Q. Where was this meeting that you spoke about, where you heard they fired upon each other?—A. At Port Gibson, the same place.

Q. How did you hear that?—A. I heard it from one or two.

Q. You heard that at the Port Gibson meeting there was this violence, and they shot at each other?—A. Yes, sir.

Q. Whom did you hear it from?—A. I heard it from one who was

directly interested, Mr. Sprott, and I heard it from Mr. Richardson afterward's.

Q. Richardson was postmaster?—A. Yes, sir.

Q. What was the business of Sprott?—A. I do not know what his business is.

Q. Do you know whether he holds any office or not?—A. I am under the impression that during the election he was a deputy marshal. I have only got that impression. I will not swear to it.

Q. Did you hear from those persons about this violence at the meeting before the election or after the election?—A. Not till after the election.

Q. About when, in reference to the election, did you hear that the meeting was held?—A. I knew by the telegraphic report of the Daily Clarion the night of the meeting, I think.

Q. When was it held in reference to the election?—A. Probably ten days before the election.

Q. Then you heard that there was a meeting there ten days before the election?—A. Perhaps not so long. It was eight or ten days, more or less.

Q. Who was addressing the meeting?—A. My understanding is that Richardson had addressed the meeting and gotten through, and that Mr. Lynch undertook to commence to speak, and then the meeting was broken up. That is my understanding.

Q. And you understood that those who differed fired on each other?—A. Perhaps that is not correct. The telegraphic statement and the statement to me was as I stated just now: that the negroes broke and ran, and were pursued to the bridge; the negroes going towards Grand Gulf Bridge where they had arms, and then they turned around and fired.

Q. The negroes broke and ran to a place where they had arms?—A. To the bridge where they were said to have had arms, and then they fired. That was the general understanding.

Q. Were the negroes fired on?—A. Yes, sir; and one of them was wounded and captured.

Q. And they fired back?—A. So I understand.

Q. Was that the end of it, so far as you heard?—A. That is just about all that I knew of that transaction.

Q. Personally, of that you know nothing. You do not know how the difficulty came to arise between them at the meeting?—A. Except from the statement of both sides.

Q. Except what you heard?—A. Yes, sir.

Q. Did each party claim that the other was to blame, as is quite often the case?—A. I believe so.

Q. The democrats and republicans each laid the blame of the disturbance on the other?—A. I presume so.

Q. It was stated that the negroes did have arms at the bridge?—A. It was so stated on the democratic side.

Q. They did have arms somewhere, and they fired back?—A. I presume so.

Q. That was a case where each party blamed the other? Each party claimed that the other fired first?—A. I expect so, although I do not really remember. I presume, as they usually do so, I can take it for granted.

Q. And did not each party say that they fired in self-defense?—A. I do not remember that.

Q. Each claimed that the other fired first?—A. Yes, sir.

Q. I believe you said that you had no personal knowledge of the Fayette meeting?—A. I testified directly that I had not.

Q. From whom did you learn anything about that affair?—A. I learned from Merrimon Howard and from some of the people who were present at that meeting and general reports of the meeting in the papers, the Natchez Democrat.

Q. You heard from some individuals. What individuals told you anything about it?—A. I may specify directly, Merrimon Howard, a colored man, who was present.

Q. When did he give you any report of it?—A. As soon as he got to Jackson, some days after the election.

Q. How far was it from Jackson?—A. It is not so much distance as it is difficulty of traveling in that country.

Q. That meeting, as you understood, was one that was held before the election?—A. Yes, sir.

Q. What did he say occurred there?—A. Simply that some seven or eight negroes had been killed and he had been run into the swamp and some days afterward he got up to our place.

Q. Killed at the meeting?—A. Killed in getting away from the meeting and after the meeting.

Q. Was there a collision there, firing on both sides?—A. There does not seem to have been in that case. I never heard it charged.

Q. And your information is what you got from these persons?—A. Yes, sir.

Q. Did you get any information as to how the difficulty arose, who was speaking and what was going on?—A. No, sir; my own knowledge only was general.

Q. You have no knowledge except general report?—A. No, sir.

Q. And this particular man Howard?—A. Yes, sir.

Q. The Rodney meeting you have no personal knowledge of?—A. No, sir. I testified directly that I had not.

Q. I believe you did say that you had no knowledge about that?—A. I have no knowledge about it.

Q. I think you said in reply to a question by Mr. Mitchell that the only occasion when you ever heard any one threaten was when a certain remark was made by Judge Percy?—A. I gave his words substantially.

Q. You say he said, smilingly, that they should not let you build up the party there?—A. Did I say smilingly?

Q. Yes, you did.—A. I will take that back.

Q. I will read you what I have here. "I had a talk with Percy about building up the republican party. He said, smilingly, he did not intend that I should build up the party in that county."—A. That is not accurate.

Q. Was it said pleasantly or angrily?—A. It was said with determination, that he would carry the county for the democrats.

Q. How came you to use the word "smilingly," if you did use it?—A. In the first part of the conversation—I think Judge Percy and I were taking dinner together that day——

Q. All he said was that they were determined to build up the party?—A. Yes, sir; and I said I would take the contract to rebuild the republican party.

Q. Is it not common in the State of New York and Connecticut to say, "We are going to beat you; we are going to hold the State; we will beat you fellows, and not let you get the upper hand again"?—A. Connecticut is my State. I will say that no such thing is said in that way.

Q. Talking about intimidation, what intimidation did you hear of;

social ostracism?—A. We are all ostracized, I and my wife and my family, and everybody else who is republican.

Q. Do you consider it intimidation that people who differ with you in politics do not treat you socially as they do their own party?—A. I consider that as the most powerful means of intimidation known to me in the South.

Q. That there is no social relation between the parties?—A. Not at all; I say social ostracism.

Q. Define what you mean by social ostracism.—A. I mean the entire cutting off of people from the southern community.

Q. Just as I may be cut by some one here?—A. Your republican friends in New York do not cut you.

Q. I am not talking about that; but, my gracious, it would not frighten me from voting if they did.—A. If your business depended on that it would be a different thing.

Q. I know plenty of men in my State who urge their friends not to employ a lawyer, or patronize one, who votes the other ticket.—A. If that is New York, it is different still from Mississippi.

Q. You think that the most powerful intimidation there is this social ostracism?—A. I consider it so, sir.

By Mr. MITCHELL:

Q. You mean to include business ostracism?—A. Yes, sir; I mean to include everything.

By Mr. KERNAN:

Q. How many did you hear say "I will not employ you if you vote the ticket on the other side"?—A. You have already got in my testimony that I have no personal knowledge of any direct instance of that kind before election, so that my answer to that is already given.

Q. I understood you to say the means used ordinarily was social ostracism, and refusing to employ men?—A. You raised an objection to that question, that I answered it from general knowledge.

Q. As I understand it, you have no personal knowledge of any case where they did refuse to employ a man or threatened they would discharge him if he voted the other way?—A. No; I have already testified that I have no personal knowledge on the subject.

Q. Have you any knowledge aside from your own case of their socially ostracizing a man?—A. There are almost a dozen in this room, I guess, that I know of; perhaps a dozen.

Q. Does it intimidate them?—A. It has this effect: that a gentleman going South feels disgraced that he is cut off from other gentlemen and ladies, and especially if he has a family. He has to accept one alternative or the other. He has to brace his back against the wall or give up to it.

Q. You consider that intimidation?—A. I do, the worst form.

Q. Do you not know that in the political party with which you act men are told, "If you do not vote with us, we will turn you out of office"?—A. I am sure I never have been threatened in that way.

Q. Of course not; but do you not know that it happens?—A. Not of my own knowledge.

Q. How many democrats do you know in Federal offices in Mississippi?—A. I presume there are a hundred democrats that I know of in office under the Federal Government in Mississippi.

Q. Do you not know as a fact that, as a rule, they select men of their own party, and that men who vote with the other party are turned out?

—A. I know that is the general political rule, but I do not think it has been observed in Mississippi.

Q. Take the Departments here. Do you not know that the employés are held accountable; that they are displaced, and others put in their places, where they are found to be of the other party, as a rule?—A. I will answer that I have no personal knowledge of such a thing. I can give you general report. Outside of that I do not know how it is.

Q. You have not much doubt as to how it is in the Departments here? —A. I prefer that you call the Secretary of the Interior as a witness to answer the question.

Q. You have no doubt about it?—A. Yes, sir; I have considerable doubt.

Q. From what you know of politics, you have no doubt that men who will be politicians, and vote on the other side, are not kept in place?—A. I will state that I charged Secretary Bristow personally with having more than one-half of his Department democratic.

Q. I do not want to ask about Bristow.—A. But that is an answer to the question.

Q. I ask in regard to men who are in office now.—A. I think a large proportion, of course a minority, are democrats.

Q. In the Departments here, you think a large proportion of them are democrats?—A. Yes, sir; decidedly.

Q. You say that upon your oath?—A. Upon my oath. It is my belief.

Q. That they are mainly democrats?—A. I did not say mainly; I said a large minority.

Q. I thought you said a large proportion?—A. A large minority.

Q. Have you not known yourself that oftentimes in warm political election contests, employers at the North say to their men, "My interest is to have this party succeed, and I want you men, if you expect to work for me, to vote for this party"?—A. I never understood that. I was employed by one of largest firms in Philadelphia for some time, and never knew of that.

Q. That is what you mean by this intimidation, that this want of social recognition is most potent, and, as you understand, not that you have any knowledge of it, the threat that they will not employ men if they vote the other way keeps them from voting the republican ticket?—A. I understand, and I want it understood by my statement, that social ostracism is the most powerful element down there, and extends to all the relations in which one may be concerned.

Q. But as to using violence or threatening violence you have no knowledge whatever of your own, except what Judge Percy stated to you?—A. Not of my own knowledge. I should like to ask a question: Am I allowed to testify to anything officially reported to me?

Q. That is the same thing; I do not ask for that. You say you never knew of but two democratic negroes in Mississippi?—A. Yes, sir.

Q. Do you mean to say that there are not more?—A. No, I do not pretend to be omnipotent or to know every man in the State.

Q. These tally-lists are sent, you say, to the chancery clerks after they are through?—A. That is my understanding.

Q. Those are the lists kept of the persons who vote?—A. Yes, sir.

Q. Where are the registration-lists kept?—A. They go to the same place.

Q. They all go together after the election there?—A. Yes, sir.

Q. You have no knowledge beyond what was generally claimed as I

understand as to this Lynch district, how it would have gone?—A. Except from former votes of the district.

Q. The district was changed, you stated?—A. Still, taking the votes of the counties composing the district.

Q. Personally you do not know really what are the politics of the individuals, and have no means of knowing aside from this general judgment and estimate?—A. Except from my traveling in different counties, from my relations with the people. I presume that is as much knowledge as any politician has.

Q. I think you stated, also, that you assume in these estimates that substantially all the colored men are republicans?—A. No. You asked the question as to how I knew the four hundred and thirty-seven were republicans. I stated that I had personally probably conversed with from one hundred and fifty to two hundred.

Q. But, in making this estimate of Lynch's district, is it not based upon the assumption that the colored men do vote the republican ticket?—A. It is based upon the registration and the former votes of those counties.

Q. How would the registration show?—A. The registration of Washington County would show four to one.

Q. Do they put on the registration what are their politics?—A. No, sir; but whether black or white.

Q. You assume that the blacks would be republicans?—A. Yes, the majority of them; and then I judge by the former votes.

Q. You base upon that the presumption that Lynch's district is all your own way?—A. I base it upon that and the former votes.

Q. Is it not true that there was something of a split in 1875 and 1876 in the republican party, a split in sentiment, in Mississippi, between what is known as the Ames party and the Alcorn party?—A. I think it was true to some extent.

Q. That was so in 1875 and somewhat in 1876, and has continued?—A. I think that was entirely done away with in 1876. I do not think there has been any division on that question this last year. In fact, Mr. Ames has been entirely out.

Q. Yes, but he had friends there, and they used to say hard things of each other in 1875?—A. They have all gone or they have coalesced. I know there is very little of that feeling left.

By Mr. MITCHELL:

Q. The whole vote in the State of Mississippi, I think, is about 160,000?—A. 164,000.

By Mr. KERNAN:

Q. In 1876?—A. In 1876.

By Mr. MITCHELL:

Q. Are you certain of that?—A. It is 164,000, I think.

Q. I hold in my hand a statement supposed to be official.—A. Let me refresh my memory one minuate. I gave the 1875 vote; that was 164,000. I have the official vote of 1876 in my pocket here.

Q. (Exhibiting.) Is not this the official vote?—A. Yes, sir; that is the same thing. You have it there, and it is not necessary for me to produce it.

By Mr. KERNAN:

Q. The entire vote of 1875 was how much?—A. About 164,000, I think.

Q. In 1876 what was it?—A. In 1876, about 160,000.

By Mr. MITCHELL:

Q. According to the statement which I have in my hand, it is 169,094. Is that the correct statement?—A. (Examining.) I judge that is correct.

Q. I will ask you if the republican majority, four years ago, was not over 34,000?—A. I understand that it was very close to 35,000.

Q. At the last presidential election it was 34,887, was it not?—A. Yes, sir.

By Mr. KERNAN:

Q. What was the total vote in 1872?—A. I do not remember. The 1872 election is so far back that I do not remember those figures. You can get at them easily enough. The official figures are here. My impression is that in the election in 1872 or 1873 it was about 135,000.

By Mr. MITCHELL:

Q. You do not know of your personal knowledge whether the republican supervisor was present at the election at Tennin's precinct?—A. No, sir; not to my personal knowledge; but I could swear that he was away.

Q. Was it not stated on the ground that day that he was not there?—A. He himself has stated to me that he was not there.

Q. He has told you since that he was not there?—A. Yes, sir.

Q. That he was not there at all that day?—A. Not there at all that day.

Q. Had the two who were there any power to fill the vacancy, do you know?—A. That is a question of law. I do not know.

Q. Do you know whether they did, as a matter of fact, fill any vacancy?—A. I never heard of their filling any vacancy. I simply heard of the election proceeding.

Q. With the two supervisors?—A. Yes, sir.

Q. Do you know how many clerks they had that day?—A. Only two.

Q. Do you know what was their politics?—A. I do not.

Q. You stated that these supervisors propounded questions authorized to be propounded under the law to persons applying to vote. Let me understand whether, in your judgment, as many as 800 voters could have voted at the polls, and have these questions propounded to them?

Mr. KERNAN. I object to that. I object to the witness giving his opinion upon that question; a man who was there only half an hour, you cannot think it would be just to take his judgment.

The WITNESS. I will state, as a matter of judgment, from my knowledge of other polling places in the United States, and of similar questions which I have heard put, or if not similar ones, questions propounded that I have heard, I think 800 votes could have been easily polled.

Q. (By Mr. MITCHELL.) Going through all the forms?—A. I think so; the ordinary work.

Q. You stated something about no republican being present to look after the interests of the party at the polls. Do you know the reason? I mean to take charge, to electioneer as politicians, as persons generally do at election-polls?—A. I can only state what was the general feeling; that is all. I cannot give the specific reason. I can state the general idea as it came to me.

Q. What is that?

Mr. KERNAN. I object. I do not think we ought to waste time taking as testimony that which is not the slightest evidence, when you want to attack the rights of a State, and which would not be allowed on a trial for a goose.

The WITNESS. I think very probably the chairman of the committee can answer the question better than I, from direct personal knowledge.

Q. (By Mr. MITCHELL.) You mean the chairman of the republican committee in Mississippi?—A. Yes, sir.

Q. From what you know about political matters in the State of Mississippi, from your own personal knowledge in traveling over the State, the observations you have made, and the information you have upon the whole subject, what, in your judgment, would have been the result of the election in that State on a fair, free vote?

Mr. KERNAN. I object to that. The witness should give any fact that he knows, but not his judgment.

(The objection was overruled.)

The WITNESS. You refer to the election of 1876?

Mr. MITCHELL. I do.

The WITNESS. In 1876, in the presidential vote, I think the State of Mississippi would have gone republican by not less than from 50,000 to 60,000.

Q. (By Mr. MITCHELL.) On a fair vote?—A. On a fair vote.

By Mr. KERNAN:

Q. State what facts you base that judgment on which are known to yourself.—A. I base it on the most careful comparisons——

Mr. KERNAN. No; do not state it that way.

Mr. MITCHELL. Allow the witness to answer.

Q. (By Mr. KERNAN.) State facts touching intimidation or fraud or other undue influences which you have knowledge of, bearing upon that question, and state all the facts that you can swear you know.—A. I cannot answer the question in that way. I do not see my right to be compelled to answer in that way.

Q. Have you not told of all the intimidation that you had knowledge of yourself?—A. Probably I have and possibly not, under the framing of the question.

Q. You have told all that you can remember?—A. All that I personally witnessed.

Q. I mean all you have personal knowledge of?—A. Yes, sir.

Q. You have stated that you never heard but one man express a threat?—A. I did not say that.

Q. I ask you now, if there was any other person that threatened except Judge Percy, that you name him.—A. No one who threatened; but I will state what was said to have been done. It might not be intimidation.

Q. I do not ask you that. Did you ever hear any man express a threat in reference to politics other than Judge Percy?—A. In answer to that I say no.

Q. Did you hear, yourself, any threat of violence on election-day or before? Did you see any violence threatened, or hear of any violence threatened?—A. Yes, sir; I have already answered that in Port Gibson the feeling was such——

Mr. KERNAN. I object.

Mr. MITCHELL. I insist that the witness be allowed to answer; I must insist on that.

Mr. KERNAN. I shall deny your right to insist.

Mr. MITCHELL. I think the witness should be allowed to answer.

Mr. KERNAN. The witness has answered me once, as I thought, but I want him to have a fair chance. [To the witness.] Did you hear any one threaten to do violence to another in reference to politics, except Judge Percy?

Mr. MITCHELL. I submit that you have asked the question, and that the witness be allowed to answer each question without interruption.

Mr. KERNAN. My question was whether the witness heard any one threaten violence.

Mr. MITCHELL. And he was about to proceed to answer in his way.

Mr. KERNAN. I do not ask him about the state of feeling. [To the witness.] I now repeat: did you hear any one threaten violence before that election except Judge Percy?—A. If you compel me to give a direct answer, I answer no, of course.

Mr. KERNAN. That is fair, to get the truth in the true way.

The WITNESS. It does not get the truth.

Mr. KERNAN. I cannot help your view of that; but you give that answer. You did not see violence exercised towards any man.

The WITNESS. I saw no man hurt at this election.

By Mr. KERNAN:

Q. I am speaking of before the election. You saw no violence used by anybody in reference to politics prior to the election?—A. I have told you I did not.

Q. And you have also sworn that you did not on election-day. In giving this poll estimate, do you estimate that the colored men as a whole would have voted the republican ticket?—A. There is a very large majority, I know, who would.

Q. You know it as a matter of opinion?—A. I know it from large personal intercourse with them.

Q. How many colored men do you think you ever asked how they would vote at the last election?—A. That would not cover the question.

Q. It would cover my question. How many did you ever talk with as to how they would vote at the last election?—A. I could not begin to enumerate. I talked to almost everybody I met.

Q. I want to know how many told you how they were going to vote.—A. I never asked that sort of a question. I asked representative men, who I knew were representative from their knowledge of the districts, what they would do.

Q. I want to know how many colored men you ever talked to on this subject.—A. Probably three or four hundred.

Q. So that, so far as you talked with them, it would be confined to three or four hundred?—A. Yes, sir; and those in a large part representative men.

Q. Your estimate, then, is based upon other information than what you derived yourself from talking with colored men?—A. As I have stated, my information has been derived from past votes, and from the evidence that I have never met but two democratic negroes in the State of Mississippi.

Q. That you have stated, and you have never talked with more than three or four hundred negroes in the State?—A. Yes, sir.

By Mr. MITCHELL:

Q. You have come in contact with almost all the postmasters in the State?—A. Yes, sir.

Q. Officially?—A. Yes, sir. In the Yazoo district I have never had any experience, however.

Q. Did you ever obtain any information in that way in regard to the intimidation that had been practiced upon them?—A. Yes, sir; the postmasters in the State have officially reported to me several times, and I have once in a while made investigation as to the truth of the

matter. For instance, I specify Terry, about fifteen miles below Jackson; and I specify Hazlehurst, in which the citizens of the town have utterly and totally deprived the office of any revenue which goes to make up the salary of the postmaster, by sending even to New Orleans, and other large cities, to buy their postage-stamps, with a view of starving him out.

Q. At this other place?—A. At Terry and Hazlehurst; the same thing exactly.

Q. The same thing is practiced at both places?—A. It is practiced pretty largely. One or two offices are exceptions.

Q. You were interrupted by Mr. Kernan in an answer to a question put by him, and your answer perhaps was not directly responsive to his question. I do not pretend to say about that, but I desire you to state now what you were about to answer when you said you had arrived at certain conclusions in your own mind from comparisons made. What were you about to say?—A. I meant to say that I had compared very carefully the vote of the State, and especially, perhaps, one district, so as to see what sort of chance we stood for members of Congress. I did not care anything about State politics, but I was very anxious as to the national House of Representatives. I made a comparison with a view of seeing how our new congressional district stood. I not only did that, but I talked with prominent democratic gentlemen, and it was conceded that we had one republican Representative, they having thrown together the heavy republican counties for that purpose. In other words, the State was gerrymandered beyond dispute. Nobody ever attempted to dispute that.

Q. At the recent election all the democratic candidates for Congress in Mississippi were elected?—A. All of them; it is so said.

By Mr. KERNAN:

Q. To test your mode of getting at these results, let me ask you if you took notice of the difference between the vote given in Illinois in 1872, and the vote given in 1876, how many thousands were changed?—A. I know there was a large decrease in the republican majority in that State.

Q. About fifty thousand?—A. I thought about forty thousand. I know it was pretty large.

By Mr. MITCHELL:

Q. There was a change in public sentiment which affected the vote in Illinois?—A. I do not know much about Illinois, and prefer not to answer the question.

WASHINGTON, *January* 15, 1877.

GEORGE F. SWAN sworn and examined.

By Mr. MITCHELL:

Question. Where do you reside?—Answer. In Jackson, Hinds County, Mississippi.

Q. About what is your age?—A. I am sixty-eight years of age.

Q. Of what State are you a native?—A. Virginia.

Q. How long have you lived in Hinds County, Mississippi?—A. In Hinds County since 1847, and in the adjoining county since 1836.

Q. You have resided in the State of Mississippi since 1836, then?—A. Yes, sir.

Q. What is your occupation?—A. At this time I am clerk of the United States circuit and district courts and supervisor of elections.

Q. For what district are you clerk?—A. The southern district of Mississippi.

Q. And also chief supervisor of elections?—A. Yes, sir.

Q. How long have you been clerk of the United States courts there?—A. Since 1866, when they were first organized after the war.

Q. When were you appointed supervisor of elections for the State of Mississippi?—A. In 1875, and again in 1876.

Q. You served as supervisor for 1875, and also for 1876?—A. Yes, sir.

Q. To what political party do you belong?—A. I belong to the republican party now, and have since the war.

Q. What are your duties as chief supervisor of elections? State briefly.—A. My duties, in brief, were to receive petitions from the various counties composing the district for the appointment of supervisors, and then to receive the nominations of persons to be appointed, to canvass them, and report to the district court.

Q. Who is your district judge?—A. Hon. R. A. Hill.

Q. The circuit judge?—A. W. R. Woods.

Q. What success did you meet with in enforcing the national election-laws during the canvass of 1875 and 1876?—A. Well, sir, I cannot say that I met with any success; in my own esteem, no success.

Q. What obstacles, if any, did you find in the way of performing your duties as chief supervisor of elections in 1876, for instance? If any, state them in your own way.—A. I think I encountered a variety of obstacles in the enforcement of the national law in 1876.

Q. What were some of them?—A. The first was that we were unable to obtain the petitions and nominations for supervisors in time for their appointment to serve with State officers in the registration. The work of registration was proceeding actively, before the court assembled, under the acts of the United States; the court convened on the 17th of August. Previous to that time, the court had published a notice—the honorable judge—on the 25th of July, that he would convene his court on that day for that purpose. The registration was proceeding in all that interval. I made some efforts, which were ineffectual in result, to obtain a postponement of the work of registration until the assembling of the court, at which time I expected that those counties that desired would obtain the appointment of supervisors. I failed to do so.

Q. What other obstructions did you and your subordinates meet with? I refer now to the supervisors that were appointed for the different precincts.—A. One material difficulty was that I found it a very difficult matter to obtain the services of suitable persons for supervisors; there was great delay in forwarding petitions for the appointment of supervisors, and great difficulty in obtaining the services of proper persons.

Q. Can you account for this difficulty in obtaining proper persons to serve?—A. I think I can.

Q. Please state the reason or reasons.—A. One very material difficulty originated in an unwillingness on the part of persons of one party, whose services were supposed to be valuable and competent, to serve on account of what they supposed to be the unpopularity of the function of Federal supervisors. It was a difficulty that grew out of the prevalent idea that it was a business of State concern, with which the Federal officials ought not to interfere.

Q. Where did this idea come from—from what source?—A. I think there was a general prevalent impression, or conviction rather, that there

would be a hazard in undertaking such services in behalf of the United States, on account of the public esteem which persons who would act in that way would be held in.

Q. From which party, or was it from both parties, that this idea was advanced and promulgated over the State, to the effect that the National Legislature had nothing to do with the matter of supervising the registration?—A. That opinion and that suggestion came from gentlemen belonging to the democratic party.

Q. Exclusively or mainly?—A. I do not know that I ever heard a republican object to the want of power on the part of Federal officials to supervise that registration.

Q. Very well. Now, you say there was that kind of theory advanced from the democratic politicians?—A. The prevalent tone of the democratic press, as far as I had knowledge of it, was——

Q. Denunciatory of the national law, was it?—A. Well, sir, it was not complimentary to Federal officials I speak particularly of the very decided hostility to the principle upon which the circular of the Attorney-General to marshals existed. It was the same feeling as before that circular came out. There was another objection connected with this law to us, which I designed to mention.

Q. State it.—A. There is a very grave doubt among legal men in Mississippi whether the powers given to supervisors of elections by certain sections of the Revised Statutes, predicated upon the act of 1871, have not been very materially abridged and curtailed by the provisions of the act of 1872. I refer to those to be found in section 2029, I think, of the Revised Statutes. There are many who think that that section 2029 overrules, in all districts where there are 20,000 people, sections 2018, 2019, and 2020.

By Mr. KERNAN?

Q. Please repeat those.—A. It begins with 2018, 2019, and 2020. That doubt I know includes many legal men of ability. It is a doubt in which I think some men on the republican side indulge as well as the uniform opinion of the gentlemen of the democratic party of that profession. In consequence of that doubt, I have been informed—now I do not know this of my own knowledge—that a great many cases of violation of the provisions of the series of sections that I mention, and of other provisions of the national election-law, were not prosecuted, in the fear that they would not be thought to be cognizable by the United States court under the provisions of the act of 1872.

By Mr. MITCHELL:

Q. I understand you to say there was a general hostility, however, to the national law, or to the idea of Congress legislating upon the subject at all?—A. I think there was.

Q. I will ask you if that was carried to such an extent as to create any delicacy or fear among persons to act as supervisors?—A. Yes, sir; I have heard that fear stated very often. I have heard it stated as the cause of the great difficulty of obtaining the services of proper men.

Q. That they refused to act?—A. Yes, sir.

Q. Why?—A. Well, sir, I do not speak now on my own personal knowledge except in a few cases.

Q. Give those cases?—A. I know of a case in the county in which I reside of a very intelligent colored man who was once a member of the Mississippi legislature who excused himself to me because I had asked him on the street if he would consent to serve if he was appointed at

his precinct, and he told me that he did not think that it would be "altogether healthy for him." That was the expression he used in connection with that election.

Q. What reason did he give?—A. That was the general reason. He was evidently afraid to act, because he did not think it would be healthy for him in his neighborhood. That was about the reason he gave.

Q. He refused to act?—A. Yes, sir.

Q. Did you have any connection with the actual arrest of offenders during 1876; and if so, how many cases; how were they brought before you, and what became of them?—A. One affidavit only was filed with me during the canvass of 1876, an affidavit from a man of the county of Holmes, which, under the rule of our court prescribing the practice of United States commissioners, I referred to my district attorney. The man was in jail in Hinds County at the time he gave in his affidavit, had been arrested there.

Q. Do you know why there were no more cases than were reported?

Mr. KERNAN. Judge, please distinguish when you speak from personal knowledge?

A. I will, sir. It was owing to the doubt which I have stated as to whether the United States court had cognizance of cases of violation of the rights of voters in the State election.

By Mr. MITCHELL:

Q. How many complaints were made to you?—A. Only that one affidavit. A great many complaints were made in conversation, and my uniform reply was that if they would go to the district attorney and reduce the complaints to the proper form, I would issue a warrant. That was made my duty under the rule of the courts under the new law. I believe under the election law of 1875 the boards of registration where county registrations were then held were appointed by the county supervisors. That was changed by the first section of the act of 1876.

Q. The act of April 7, 1876?—A. Yes, sir; I think that was the date. I may err as to the specific date, but it was in the month of April, 1876—passed by the legislature of 1875.

Q. How were these boards appointed under the new law?—A. By the governor and secretary of state.

Q. By a State board?—A. Yes, sir.

Q. That board appoints the boards of registration for all the counties in the State?—A. Yes, sir; they are required to appoint a certain number, three in each county. I have believed ever since I read that act, and that belief was confirmed afterward by the experience of the canvass of 1876, that that law itself, in a very material provision, was a material obstruction in the way of the execution of the national election laws.

Q. I will ask you if the following, which I will read, is the law approved April 7, 1876:

SEC. 5. *Be it further enacted*, That the county board of registration shall, on receipt of the blank-books as aforesaid, complete the preparation of the same by assigning one book for each election-district, designating the same by the name of such election-district, and numbering the same according to the supervisor's district in which it may be located. The said county board shall designate one of their number to register the voters in the county, who shall, at the times and places of registration as published, make a faithful and complete registration of all the qualified voters in the county, assigning each voter to the registration-book of the election-district of his residence, and registering him only while registering voters in the election-district in which such voter resides, and shall require each voter to state, under oath, in what election-district of the county he resides at the time of registering, and in what portion of such district, and if resident in any incorporated city or town, in what ward of said city or town, and his occupation and where prosecuted; and if in the employ

of any one, where, and the nature of such employment. That the answer of the voter shall be entered by the registrar designated by the county board of registration as aforesaid to register the voters in the county under the appropriate heads, as well as the number and name of the voter, the date thereof, and if white or colored. When registration in the county shall have been completed, the county board of registration shall attach the following certificate to each registration-book of the different election-districts in the county: "We, county board of registration for ——— county, do hereby certify that the foregoing (stating number) pages contain the names of (stating number) voters, numbered from one to (stating number) consecutively and inclusively, registered in —— election-district of supervisor's district No. ——, county of ———, Mississippi. Given under our hands, this the —— day of ———, A. D. ——," which certificate shall be attested by the chancery clerk of the county, and shall be written immediately under the name of the voter last registered in the election-district. A copy of said registration-book, or any part thereof, certified to as a correct copy, under the hand and official seal of the chancery clerk, shall be evidence in all courts and in all proceedings, civil or criminal, in this State, the same as if the originals were produced and their genuineness duly proven, and shall be *prima-facie* evidence that the voter made the statement under oath written opposite his name.

I will ask you if that is the fifth section of the present law relating to elections in the State of Mississippi?—A. I cannot remember accurately the number of the section, but I recognize that as a provision of the law; I think it is the fifth section. There is another provision of the same statute—as to the fact I do not know whether it is the fifth or sixth section—which prescribes the manner in which the pages shall be ruled off, dividing it into a particular number of columns.

Q. I will read section six:

SEC. 6. *Be it further enacted*, That at the time of the registration, any voter may be challenged, and if the registrar decides to register or refuses to register him, the party challenging, or the voter who has been refused registration, may, at the time published for registration at the county site, have such decision reviewed by the county board of registration, who shall proceed to hear the testimony, and if they believe that the party has been improperly registered, they shall erase his name from the registration-book, or if they believe the voter has been improperly refused registration, they shall register him in the manner hereinbefore provided.

Is that the section referred to?—A. No, sir

Q. Please look at that and see. [Handing a paper.]—A. [After examining.] Section 4 is the section I refer to containing the provision for dividing into columns.

The committee directed the statute of Mississippi to be incorporated in the testimony, and it is as follows:

REGISTRATION LAW.

AN ACT to provide for the registration of voters, amending and repealing the laws relating thereto, and for other purposes.

SECTION 1. *Be it enacted by the legislature of the State of Mississippi*, That the governor, or the person upon whom the powers and duties of governor have devolved, and the president *pro tempore* of the senate, or when the president *pro tempore* of the senate shall, under the constitution and laws of the State, become governor, the permanent presiding officer of the senate, and the secretary of state be, and are hereby, appointed a State board of registration.

SEC. 2. *Be it further enacted*, That is [it] shall be the duty of such State board of registration, on or before the first Monday in June, A. D. 1876, and annually thereafter, to appoint in each county in the State three persons, as a county board of registration, who shall be fit and competent men, and they are hereby constituted peace-officers while in the discharge of their duties as registrars, and they shall take the oath of office prescribed by the constitution of this State for other officers. All of said county board of registration shall not be members of the same political party. The county board of registration as aforesaid shall hold their office for the period of a year from the first day of June, A. D. 1876, and until their successors are appointed and qualified: *Provided*, That the State board of registration may, at any time, for good and sufficient causes, remove any one or more of the county board of registration, and may fill any vacancy occurring therein; such appointee or appointees to hold their office for the term which was unexpired at the time at which they were appointed. That the State board of registration shall transmit their certificate of the appointment of the county board of

registration to the chancery clerk of the proper county, who shall, free of cost, record the same in the book kept for the registration of deeds, and a copy of such record, certified under the hand and seal of such chancery clerk, shall be evidence of such appointment in all proceedings, civil or criminal, in any of the courts of this State. That if the State board of registration shall fail by the first Monday in August, 1876, and annually thereafter, to appoint the county board of registration, then, and in that case, the board of supervisors of the county may appoint a county board of registration: *Provided*, That in making the appointments aforesaid all of the county board of registration shall not be members of the same political party.

SEC. 3. *Be it further enacted*, That the county board of registration shall, on or before the first Monday in September, 1876, and annually thereafter, divide each supervisor's district of the county into election-districts, defining the same, where more than one election-district is established in a supervisor's district, by metes and bounds, and shall establish in each election-district one voting precinct, which shall be the only voting-precinct in such election-district, and shall designate such election-district by the name of the voting-precinct, if it have one; if not, by some name designating the locality selected: *And provided*, That if, after the year 1876, any county board of registration shall fail to divide and define such election-district and to designate the voting-precinct therein, then the election-districts and voting-precinct previously defined and designated shall remain until changed. That the county board of registration shall appoint a period of not less than two nor more than five days for the qualified voters of each election-district to appear for registration at the voting-precinct for each election district, terminating such registration at the county-seat not longer than five days before any general election, and shall give at least two weeks' notice of the time and place of such registration, by publishing the same in some public newspaper published in the county, and by posting notices of the same in at least one of the most public places in each election-district in the county; and if no public newspaper be published in the county, then by posting notices of the same in at least ten of the most public places therein; and at the time and places as published, and during the business hours of the day, one of said county board of registration, to be designated as hereinafter provided, shall proceed to examine and administer the oath, duly subscribed by the affiant, or by his mark when he is unable to write, and attested by such registrar, and to register each voter in the form and manner hereinafter prescribed. No person convicted of bribery, perjury, forgery, or other infamous crime shall be registered: *Provided*, That in the counties of Simpson, Smith, Jones, Covington, Greene, Wayne, Perry, Marion, and Pearl the county board of registration shall not appoint a longer time than two days nor less than one day for registering the qualified voters in each election-district in said counties.

SEC. 4. *Be it further enacted*, That the public printer shall immediately proceed to have blank-books prepared of large paper, and of a sufficient number of pages therein that the same will contain the number of two thousand names of voters, under the printed heading of the oath required by article 7, section 3, of the constitution of the State of Mississippi. That said blank-books shall have printed at the top of each page the words, "—— Election District of Supervisor's District, No. —, County of ——, Mississippi," and next the oath prescribed in article 7, section 3, of the State constitution. The page under said oath shall be divided into eight columns; the first for number, the second for date, the third for name of voter, to be written by registrar, the fourth for "white or colored," the fifth, residence and in what portion of election-district, and, if in an incorporated city, in what ward; the sixth, occupation, where prosecuted, and, if employed by any one, name of employer; the seventh, for voter's name to be written by himself, or his mark if he cannot write: and the eighth for the registrar's attestation; and the words, "Registration Book ——, Election District of Supervisor's District No. —, County of ——, Mississippi," shall be printed on the outside or back of said books. Said public printer shall, on or before the first Monday of August, A. D. 1876, transmit and deliver to the clerk of the chancery court of the different counties a sufficient number of such blank-books to supply each voting-precinct in the county with one blank-book, and if such public printer should fail to furnish such blank-books or a sufficient number to any county, the board of supervisors of the county shall furnish the same. The public printer shall receive such compensation for the duties required of him by this section as may be determined by the State board of registration, and the auditor of public accounts shall, on the presentation of the account of the public printer, verified by affidavit that the same is correct, and a certificate from the State board of registration that they have examined the same, that they believe the amount charged is just and reasonable compensation for the blank-books furnished, and is correct, shall issue his warrant on the treasurer for the amount thereof, which shall be paid by the treasurer out of any funds in the treasury not otherwise specially appropriated.

SEC. 5. *Be it further enacted*, That the county board of registration shall, on receipt of the blank-books, as aforesaid, complete the preparation of the same by assigning one book for each election-district, designating the same by the name of such election-district, and numbering the same accordingly to the supervisor's district in which it may be located. The said county board shall designate one of their number to register the voters in the county, who shall, at the times and places of registration, as published, make a faithful and complete registration of all the qualified voters in the county, assigning each voter to the regis-

tration-book of the election-district of his residence, and registering him only while registering voters in the election-district in which such voter resides, and shall require each voter to state, under oath, in what election-district of the county he resides at the time of registering, and in what portion of such district; and, if resident in any incorporated city or town, in what ward of said city or town, and his occupation, and where prosecuted; and if in the employ of any one, where, and the nature of such employment. That the answer of the voter shall be entered by the registrar designated by the county board of registration, as aforesaid, to register the voters in the county, under the appropriate heads, as well as the number and name of the voter, the date thereof, and if white or colored. When registration in the county shall have been completed, the county board of registration shall attach the following certificate to each registration-book of the different election-districts in the county: "We, county board of registration for ——— county, do hereby certify that the foregoing (stating number) pages contain the names of (stating number) voters, numbered from one to (stating number) consecutively and inclusively, registered in —— election-district of supervisor's district No. ——, county of ———, Mississippi. Given under our hands this the —— day of ———, A. D. ——;" which certificate shall be attested by the chancery clerk of the county, and shall be written immediately under the name of the voter last registered in the election-district. A copy of said registration-books, or any part thereof, certified to as a correct copy, under the hand and official seal of the chancery clerk, shall be evidence in all courts, and in all proceedings, civil or criminal, in this State, the same as if the original were produced, and their genuineness duly proven, and shall be *prima-facie* evidence that the voter made the statement under oath written opposite his name.

SEC. 6. *Be it further enacted*, That at the time of the registration any voter may be challenged, and if the registrar decides to register or refuses to register him, the party challenging, or the voter who has been refused registration, may, at the time published for registration at the county site, have such decision reviewed by the county board of registration, who shall proceed to hear the testimony; and if they believe that the party has been improperly registered they shall erase his name from the registration book; or, if they believe the voter has been improperly refused registration, they shall register him in the manner hereinbefore provided.

SEC. 7. *Be it further enacted*, That at the time published for registration at the county site the county board of registration shall register all qualified voters who may present themselves, and not previously registered, whether they be resident in the election-district in which the county site may be located or not, registering each voter in the registration-book of the election-district of his residence. They shall, at the time and place aforesaid, correct all errors in the registration-books, erase all names improperly registered, and hear all causes of challenge or objections, whether made at the time of registration or not.

SEC. 8. *Be it further enacted*, That the county board of registration shall immediately, upon the completion of the registration of the county, with the assistance of the clerk of the chancery court, prepare copies of the registration-books of each election-district, and in such copies shall arrange the names of the registered voters in each election-district in exact alphabetical order, numbering each voter's name with the number opposite his name in the registration-books; said copies shall, opposite each columns of names, have at least four columns headed "Voted," with space sufficient to note the time of said vote, and to check each voter as he deposits his ballot at any general election or special election. The county board shall certify as to the correctness of such copies and the number of names entered therein; and said copies shall be revised by said county board preceding each election.

SEC. 9. *Be it further enacted*, That after the general registration in the year A. D. 1876, as provided herein, one of the county board of registration, to be designated as hereinafter provided, shall, before any general election, in at least one place in each election-district, and for at least one day in each place, after giving the notice for the time and in the manner prescribed in section 3 of this act, register all persons qualified therefor and not previously registered, closing said registration with not less than four days at the county site, and not exceeding five days before the time fixed by law for such general election. That at the registration at the county site the county board of registration shall correct all errors in the registration-books, whether made by themselves or previous county boards, by erasing therefrom the names of such voters as is shown by satisfactory proof to have died, removed from the election-district in which registered to any other election-district in the county, or from the State or county, or to have been convicted of bribery, perjury, forgery, or other infamous crimes, or whose names should from any other legal cause be stricken from the registration-books, and shall note opposite the name erased the cause of such erasure, and shall, if the names have been copied in the copies of the registration-books, as provided herein, erase the same therefrom.

SEC. 10. *Be it further enacted*, That county boards of registration, after the notice and call of any special election, shall proceed to register the qualified electors who have not previously registered, and to revise the registration-books, as hereinbefore provided, said registration and revision to be had alone at the county site, and to be for not less than three days, and to close not exceeding three days before the time fixed in the call for such special election, five days notice of the same, and place for such registration and revision, to be given in the manner provided in section three of this act.

SEC. 11. *Be it further enacted*, That when any voter shall remove from the election-district in which he was registered to another in the same county, he shall not be registered in the election-district of his then residence until his name is erased on the registration-books and copies in the district in which he was first registered.

SEC. 12. *Be it further enacted*, That the county board of registration, at the first meeting after their appointment, shall select one of their number as president of the board, who shall register all the voters, and attest their signatures on the registration-books, and shall perform the duties specified in the third and ninth sections of this act. Any two of the county board of registration may discharge all the duties, and shall have the same powers as the entire board. The members of the county board of registration shall not be candidates for any county office.

SEC. 13. *Be it further enacted*, That if the registration-books of the county shall be lost or destroyed, then it shall be the duty of the county board of registration, before the next election after such loss or destruction, to proceed to make a general registration of the voters of the county under the provisions of this act; and should the book of any district be lost or destroyed, they shall proceed in the same manner to make a general registration of such district. And should at any time it be deemed advisable to change the boundaries of one, or more, or all of said districts in a county, the county board of registration shall upon such change being made, proceed to make a general registration either of the whole county or of such election-districts, the boundaries of which are affected by such change of districts.

SEC. 14. *Be it further enacted*, That the duties required by section 361 of the revised code of 1871 of the board of supervisors, shall hereafter be performed by the county board of registration, and said section of the code is hereby so amended that the duty of providing suitable ballot-boxes shall be performed by the county board of registration.

SEC. 15. *Be it further enacted*, That section 371 of the revised code of 1871 be, and the same is hereby, amended so as to read as follows: When such inspectors are qualified, they shall proceed to open the polls by proclamation thereof by one of their number, or by some officer or other person deputed by the inspectors or registrars, and to inquire of each voter presenting himself his name, and shall, after announcing the name, examine the duplicate register and poll-book for the name of the voter as given and announced, and if they find the name as given and announced in such duplicate register and poll-book, they shall check said duplicate register as "voted," and the date thereof, and shall receive and fold the ballot, if not already folded, and then deposit the ballot, folded, in the ballot-box, and so on until all the qualified voters have voted.

SEC. 16. *Be it further enacted*, That if any person shall swear falsely in reference to any material matter before a registrar, or before the board of registration, he shall be guilty of perjury, and if any person shall knowingly register, or cause his name to be registered, as an elector, except on the registration-book of the election-district of his residence, or shall register, or cause his name to be registered, more than once, or shall register under different names, he shall be guilty of a felony, and on conviction of any person of either or any of the offenses mentioned in this section, said person shall be punished by imprisonment in the penitentiary not less than three, nor more than ten, years.

SEC. 17. *Be it further enacted*, That so much of section 367 of the revised code of 1871 as requires a copy of said section to be published and posted with the notice of any general or special election be, and the same is hereby, repealed.

SEC. 18. *Be it further enacted*, That the sheriff of the county shall deliver, or cause to be delivered, to the inspectors at each voting-precinct the duplicate registration-book for the district in which said voting-precinct is situated, by the time fixed by law for opening the polls of any election, and if any sheriff or his deputy shall willfully fail to perform the duties required of him as to the delivery of the duplicate registration-books he shall be deemed guilty of a felony, and, on conviction, shall be fined not exceeding five thousand dollars, or imprisoned in the penitentiary not exceeding five years, at the discretion of the court.

SEC. 19. *Be it further enacted*, That after the county board of registration shall have examined and determined the result of any election, and certified the result thereof, as required by law, they shall deliver to the clerk of the chancery court the registration-books, and copies thereof, and take his receipt for the same, and said chancery clerk shall be charged with the safe keeping of such registration-books and copies, until required for use by the county board of registration, who shall receipt the chancery clerk for the same, and if any chancery clerk or registrar shall willfully loose, destroy, conceal, deface or make away with any registration-book, or copy thereof, or shall willfully refuse to deliver the same to the officer entitled thereto, he shall be deemed guilty of a felony, and shall, on conviction, be punished by fine not exceeding five thousand dollars, or be imprisoned in the penitentiary not exceeding five years, at the discretion of the court.

SEC. 20. *Be it further enacted*, That the registrars shall receive such compensation as may be fixed by the board of supervisors, and payable out of the county treasury; said compensation not to exceed in the aggregate the sum of six hundred dollars in any county, nor three dollars per day for each registrar for each day that he may be actually engaged discharging the duties of his office.

SEC. 21. *Be it further enacted*, That if on the day of any election, or within four days of any election, any two or more of the county board of registration shall resign or refuse or

fail to act, then the sheriff of the county, or in the event of his resignation, refusal, or failure to act, then the chancery clerk, shall discharge the duties and exercise the powers imposed and conferred by law on the county board of registration, and if such resignation, refusal, or failure shall be willful, and with the intent to defeat any election, or postpone the same, then such registrars or sheriff or chancery clerk shall be deemed guilty of a felony, and, on conviction, shall be punished by fine not exceeding five thousand dollars, or by imprisonment in the penitentiary not exceeding five years, at the discretion of the court.

SEC. 22. *Be it further enacted*, That chapter five of the revised code of 1871, entitled "An act in relation to registration of voters," being sections 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, and 355 of said revised code of 1871, and that an act entitled "An act to provide for the registration of voters and for other purposes," approved July 31, 1875, and that an act entitled "An act to regulate the registration of voters in the State, and to repeal section 3 of an act approved April 15, 1873," approved March 6, 1875, and that an act entitled "An act to amend the laws in relation to registration, and for other purposes," approved April 15, 1873, and all acts or parts of acts amendatory of chapter 5 of the revised code of 1871, and all acts in conflict herewith, be, and the same are hereby, repealed.

SEC. 23. *Be it further enacted*, That all the rights, powers, and duties conferred by chapter 6 of the code of 1871, entitled "An act in relation to elections," on the registrars, be, and the same are hereby, conferred on the county board of registration.

SEC. 24. *Be it further enacted*, That section 373 of the code of 1871 be so amended as to read as follows: "Registration shall be *prima-facie* evidence of the right to vote, but on the day of the election challenges for any legal cause may be made, but the party challenging shall establish his cause of challenge by satisfactory proof."

SEC. 25. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved August 7, 1876.

Q. I understand you, Judge Swan, to say that there are provisions in that law which, in your judgment, seriously obstruct the execution of the national election laws?—A. Yes, sir; and of the State law.

By Mr. KERNAN:

Q. Let the judge state the particular sections.—A. If you will allow me, sir, I will read the portion which conflicts with the franchise law of Mississippi.

Q. Very well, do so.—A. The fourth, I will only read the portion that is referred to: "That said blank books shall have printed at the top of each page, the words, '——— election-district of supervisor's district No. ——, county of ———, Mississippi,' and next the oath prescribed in article 7, section 3, of the State constitution. The page under said oath shall be divided into eight columns: the first for number; the second for date; the third for name of voter, to be written by registrar; the fourth for 'white or colored;' the fifth, residence and in what portion of election-district, and, if in an incorporated city, in what ward; the sixth, occupation, where prosecuted, and, if employed by any one, name of employer."

Q. Do you mean that a compliance with those provisions violates the voter's rights?—A. I mean the requirement of an answer of the person desiring to register, and the particulars in those three columns, constitute a serious abridgment of the right of the voter as defined by the franchise article of our State constitution.

By Mr. MITCHELL:

Q. What is that article; can you state it?—A. I cannot repeat it.

Q. Have you the constitution with you?—A. I have not the constitution with me. I have a slip in my pocket. Section 2, article 7, prescribes the limitations, and section 3 of the same article requires a certain oath to be taken by the voter, which, when taken, entitles him to register. My opinion is that this provision restricts and embarrasses voters in the right to register as secured by that article.

Q. It makes four restrictions?—A. Yes, sir; in my opinion.

Q. In what respect, in your judgment, does the execution of the provisions of this State law impede or conflict, if at all, with the execution of the provisions of the national law?—A. I think that the national law is intended to guarantee to voters who are qualified according to the constitution the right secured by the constitution, and in so far as these particulars abridge that right I consider them obstructions to the execution of national laws by State authorities or by the legislature.

Q. How many counties are there in the State of Mississippi, all told?—A. Well, really, at this moment I forget; they have been making new counties so rapidly. One gentleman suggests sixty-three and another says between sixty and seventy.

Q. How many supervisors were appointed, all told, during the late election, in your district?—A. I could not give you the number definitely. To make myself more fully understood as to obstructions, which I think the execution of this act of 1876 makes to the enjoyment of the voter's whole constitutional rights, I will just take a single example of some of them. One requisition on him is that he shall state the particular portion of the election-district in which he lives. The constitution and law require a certain residence in the county. He must be a resident of the State for such a length of time, and in the county one month. I think. This act requires him to state on oath the election-district of the county, and in what portion of the election-district he resides. In the practice adopted in the registration during the last year, I have been informed that election-districts are in a great measure marked off by township-lines. The residence of men there are upon land according to the sectional divisions and surveys; the election-districts are recorded by the same sort of lines, and there are very few individuals, even among the whites and intelligent men, who, when asked that question in what portion they do reside, are able to answer at all. A very large portion of our voters are ignorant men, and colored men particularly; and when pressed for answers as to the election-districts in which they live, they are totally unable to make their answers; and I have been informed on many an occasion, by credible men, that large numbers of voters had been turned away from the registration for want of capacity to answer that question.

Q. Will you point to the provision in that election law which you have just referred to now, in regard to the township-lines and land-lines?—A. It is in section 5.

Q. Will you point to the provision in that election-law which you have just referred to now in regard to the township-lines and land-lines?—A. It is in section 5:

> The said county board shall designate one of their number to register the voters in the county, who shall, at the times and places of registration, as published, make a faithful and complete registration of all the qualified voters in the county, assigning each voter to the registration-book of the election-district of his residence, and registering him only while registering voters in the election-district in which such voter resides, and shall require each voter to state, under oath, in what election-district of the county he resides, at the time of registering, and in what portion of such district.

Q. In what way did they require the applicant to be registered to designate in what portion of the district he resides?—A. I do not speak from personal knowledge on that, because my attention was very much confined to main facts; but I am informed it is a matter of general information that they have been required to give their number and sections. I have heard so.

Q. That is generally understood to be the case in Mississippi?—A. I can only speak as to my own particular district and those counties of which I have heard, and particularly in reference to one county.

Q. What county is that?—A. Warren County.

Q. Now state about the voters in Warren being required by the board of registrars to designate by land-lines the particular portion of the district in which they reside.—A. Well, sir, I have heard that a good many such cases occurred in the county of Warren.

Q. What do you know about your own county?—A. I have heard of some such cases occurring in Hinds County.

Q. Have the mass of voters, especially the colored people, in the State of Mississippi, in your judgment, knowledge of the number and sections upon which they may be living?—A. I am sure they have not. I know that the mass of white people do not think of it; and if the specific question were put to them, the intelligent white men would have to go and consult their papers. As to colored men, I will make this remark, that ordinarily they are not land-owners, but are hired laborers, and they are not called upon to know, nor do they care, upon what particular land they live.

Q. Do you know of persons having been refused registration because they could not answer as to the number of the section upon which they might be living?—A. I cannot specify of my individual knowledge.

Q. But that is the rule?—A. Yes, sir; the rule.

(Mr. KERNAN objects; objection overruled.)

By Mr. MITCHELL:

Q. You have referred to the constitution of the State of Mississippi, which you say, in your judgment, is in conflict, to a certain extent, with the provisions of this law. I will now read from article 7 of the constitution of the State of Mississippi, in order that it may go in the record, and ask you if they are the sections to which you refer?

SECTION 1. All the elections by the people shall be by ballot.

SEC. 2. All male inhabitants of this State, except idiots and insane persons, and Indians not taxed, citizens of the United States, or naturalized, twenty-one years old and upwards, who have resided in this State six months, and in the county one month next preceding the day of election at which said inhabitant offers to vote, and who are duly registered, according to the requirements of section 3 of this article, and who are not disqualified by reason of any crime, are declared to be qualified electors.

SEC. 3. The legislature shall provide by law for the registration of persons entitled to vote at any election, and all persons entitled to register shall take and subscribe to the following oath or affirmation: "I, ———, do solemnly swear, (or affirm,) in the presence of Almighty God, that I am twenty-one years old; that I have resided in this State six months, and in ——— County one month; that I will faithfully support and obey the Constitution and laws of the United States and of the State of Mississippi, and will bear true faith and allegiance to the same; so help me God."

SEC. 4. No person shall be eligible to any office of profit or trust, or to any office in the militia of this State, who is not a qualified elector.

A. Sections 2 and 3 are those that I refer to.

Q. Very well. It is unnecessary to read any further. Now I will ask you if the oath prescribed in the election-law of the State of Mississippi is not in conflict with that prescribed by the constitution?—A. I think it is. It is made to embrace particulars that the constitutional oath does not embrace, in my judgment.

Q. You are a lawyer?—A. I was a lawyer for many years.

Q. How long since?—A. Professedly since 1830.

Q. Have you been on the bench?—A. For a short time in Mississippi, just after the war.

Q. Now, is it not a fact that the colored men especially—I refer more particularly to the laboring classes—in the State of Mississippi are constantly changing their place of living or place of working?—A. I think they are, and some are employed under contracts, continuing

through the year on contiguous plantations. A great number are just employed as occasion may require.

Q. Now, then, let me understand this. Suppose a voter is registered as living upon a certain section of land, for instance in a certain election district, at the time of registration, and suppose, when a person presents himself at the polls to vote, he answers that he lives on another section, but that he has moved since the registration; would he, under the manner in which the law is enforced in the State of Mississippi, be entitled to vote or not?—A. I am not aware of any decision in a case of that kind; but my opinion is that under a subsequent section of that same statute, if he was challenged for that cause, his vote would not be received.

Q. It is your opinion that he would not be entitled to vote under other provisions of that State law, if he were challenged?—A. Yes, sir.

Q. Will you point out the provision?—A. The section I refer to is the twenty-fourth of this law.

By Mr. KERNAN:

Q. Please read it, sir.—A. It is:

Be it further enacted, that section 373 of the code of 1871 be so amended as to read as follows: "Registration shall be *prima facie* evidence of a right to vote, but on the day of election challenge for any legal cause may be made, but the party challenging shall establish his cause of challenge by satisfactory proof."

Upon that I suppose that if it was proven, at the time he was offering to vote, that he had sworn to a different district, his vote might be challenged according to that law.

By Mr. MITCHELL:

Q. Do you know about how many election-districts there are in Hinds County?—A. I cannot answer right off; I might after reflection. (After a pause,) I do not recollect at this moment more than eleven.

Q. In Hinds County?—A. Somewhere in that neighborhood.

Q. That would probably be the average?—A. Hinds is a large county.

Q. Probably it would not be that many, then, on the average in each county?—A. No, sir.

Q. The law provides for two supervisors to each precinct?—A. Yes, sir.

Q. One of each political party?—A. Yes, sir.

By Mr. KERNAN:

Q. Does it authorize these supervisor in the rural districts as well as in the towns?—A. Yes, sir.

By Mr. MITCHELL:

Q. Now what I want to know is how many supervisors in all were appointed in 1876 in your district?—A. I have a particular recollection on that subject, from the fact that I had to render an account. I issued, by the order of the court, in the entire district only 199 commissions. The court required the commissioner to issue to each appointee.

Q. About how many election precincts would you say there are in your district in your judgment?—A. I cannot answer that.

Q. There are some thirty counties, you think?—A. I suppose there are.

Q. In that neighborhood?—A. Yes, sir.

Q. Would they average, in your judgment, ten election-districts in each county?—A. I do not think they would average so many. There

are quite a number of small counties in my district in which there are not so many polling-places.

Q. Would they average as eight, do you think?—A. I suppose that eight would be a liberal average.

By Mr. KERNAN:

Q. Eight precincts to a county?—A. Yes, sir.

By Mr. MITCHELL:

Q. Remembering, then, that there were thirty counties with an average of eight to each county, there would be 240 precincts in the district?—A. Yes, sir; there were many counties in the district which made no application for supervisors at all.

Q. I will come to that in a moment. The average would be for the whole State twice 240 or 480?—A. Yes, sir.

Q. You say that they did not all apply?—A. No, sir.

Q. About how many applications were there, do you know?—A. If you allow me to calculate a little I think I could tell the very counties.

Q. Give the counties and we will take them down.—A. I will give the counties in which appointments were made so far as I can remember. I have made no calculations from my book. The county of Rankin, the county of Hinds, the county of Warren, the county of Washington, the county of Claiborne, the county of Adams; none, I think, in Madison County; the county of Leake; I think none in Jefferson; the county of Holmes. I cannot answer certainly as to what other counties; my memory is not very active about them.

Q. How many do you say you appointed altogether?—A. I issued 199 commissions. I remember that definitely because I had to swear to the number.

Q. There were two for each precinct?—A. Two for each voting-precinct. If I omitted to insert, I should have inserted Warren. There may be others that now escape my recollection.

Q. Do you know of any fraud, intimidation, or violence of your own knowledge or from the information or complaints of the parties wronged?—A. I cannot speak from personal knowledge as to the cases of that sort.

Q. What do you know with reference to applications made to you by persons wronged?—A. Applications were frequently made to me by persons who thought they were wronged, for some redress under Federal authority. My answer was invariably, where I thought the complaint a matter of Federal cognizance, that they must go to the district attorney and make their showing, that it might be brought to me for the issuance of a warrant by me as commissioner. In many such instances of personal complaints made to me I made that reply, and the witnesses or the persons making the complaints would state that they did not like to be brought into court on that subject as witnesses.

Q. Why?—A. They were afraid to testify in open court.

Q. Afraid of what and of whom?—A. They were afraid they would be injured.

Q. By whom?—A. By those against whom they appear, either in the loss of their employment or in the way of personal danger.

Q. Did this feeling prevail to any considerable extent?—A. Under such circumstances, I have told such persons that they ought to go before the grand jury and report, and in very many cases they objected to going or being called before the grand jury.

Q. In addition, were there any other general influences known to you that were an obstruction of the exercise of the rights of voters in the

election or in the preliminary of registration? If any such influences were an obstruction to the performance by your subordinate supervisors or by the marshal or his deputies of their duties in the registration and election, state their character fully so far as you know. This is a general question and you can answer in your own way.—A. Personally, as an officer, I have never been interfered with by any person. But there is no question in my mind that particularly a few weeks——

Mr. KERNAN. State what you know personally.—A. Well, sir, I derived from persons a knowledge of the circulation in the State of Mississippi, several weeks before the election, of one of the most ingenious and plausible arguments that I have ever read from one of the most eminent jurists of that State, in which he took open issue with the Department of Justice as to the authority of the United States to interfere in that registration and election, and in which the idea was strongly inculcated that any such interference would be an interference with lawful State authority.

By Mr. MITCHELL:

Q. That was an argument put forth in the press?—A. Yes, sir; it was an argument given to the State democratic committee by a person of national reputation.

Q. Name him.—A. George L. Potter.

Q. Where does he live?—A. At Jackson. I think that the deservedly high reputation of Mr. Potter as a lawyer must have given a very wide influence to that paper; a pervading influence. I differ of course with the conclusions of Judge Potter; but I am obliged to differ with diffidence from a gentleman of his reputation. But I am sure that it exerted a very disastrous influence on the party to which he was opposed.

Q. When was this opinion promulgated?—A. Some three or four weeks before the election.

Q. Was it distributed by authority of the democratic committee?—A. I cannot say as to that. I saw it in a democratic organ of the State.

Q. Where?—A. At Jackson.

Q. What was the name of the paper?—A. It was published in the Jackson Clarion.

Q. Was it approved editorially, do you know?—A. I do not recollect about the editorials; I know it was approved generally by the members of the bar with whom I had intercourse; most all of them were members of that party; my friends personally, with whom I conversed, have spoken of the opinion with admiration.

Q. Were there any other influences at work besides those you have designated that were obstructive of the execution of the national election law?—A. I have spoken already on the general prevailing feeling of opposition to the exercise of the franchise by persons authorized by the amendment to the Constitution to vote, and by the new constitution of the State. I know there is a decided disposition of opposition to sustaining the right of suffrage of the colored people.

By Mr. KERNAN:

Q. What right?—A. The right of suffrage to colored people. The white people feel that it is a grievance, and in the estimation of that class constituting the property-holding and intelligent portion of the people I think there is an obstruction to the execution of that law in public esteem.

By Mr. MITCHELL:

Q. You are familiar with instructions sent to United States marshals by Attorney-General Taft?—A. Yes, sir; as an officer I have attended

with great care to the instructions of the Attorney-General. I ought to have said that there was a very prevalent opinion in the legal profession that that circular was in conflict with decisions of the Supreme Court in the Kentucky and Louisiana cases.

By Mr. KERNAN:

Q. Decisions made last year?—A. Yes, sir.

By Mr. MITCHELL:

Q. Was it not published as a fact that Governor Stone himself had said he would resist the execution of that order?—A. I heard it, but do not know it as a fact.

Q. What is the general temper of the people of Mississippi of the different classes, politically, towards Federal officials connected with the execution of the election-law? What is your knowledge of it, if anything?—A. I have a good deal of knowledge of it, but it is such as results from intercourse with people whom I come in contact with; and I think I am pretty well posted as to the general feeling. My associations are with both parties, and I think that there is a general feeling of retaliation among the white people of my State against interference of Federal law with their election matters. I think among the colored population there is a general disposition to look to the Federal arm for protection more than they do to the State authorities. They are accustomed to look upon the Federal Government as having conferred upon them their civil rights or political rights, and they look to that Government for their protection. That is the feeling. I think they have more confidence in Federal officials rendering them protection than in the State officials. I think that is the general feeling of the colored people, so far as I know.

Q. State what you know, if anything, of the feeling generally of colored people in your district about coming into open court and testifying to violation of the election law?—A. So far as that is based on my personal knowledge, I have been told, as I said before, that they were afraid to come into court, and they say they are afraid to testify for fear that they may lose their place or employment, or other consequences personal to themselves.

Q. Are the names of prosecuting witnesses generally indorsed on the back of indictments in United States courts?—A. Not for several years back. It used to be so, but of later years they have not done so.

Q. Why?—A. I have heard district attorneys say that they did not wish their witnesses known to the other side. It was a precaution for the safety of witnesses that they have thought proper to adopt. I have been very often called upon by persons prosecuted for the names of certain witnesses, and have been complained of for not giving them, when I did not know the witnesses myself. I have very often not known the names of witnesses until the subpœna was taken out.

Q. From all that you know of affairs in the State of Mississippi, I will ask you whether or not, in your judgment, there is any failure to prosecute parties for violations of the national election law in the Federal courts, by reason of fear of personal violence, by persons who have been wronged?

Mr. KERNAN. I desire to object, except so far as the judge can state from his personal knowledge.

A. I cannot answer on personal knowledge. There were a number of indictments found. There was not one arrest in the State upon complaint before the election. There was a grand jury at the last term who found indictments against quite a number of persons, some of whom had been arrested before I left home.

Q. (By Mr. MITCHELL.) State what you know about one McD. Bennet being subpœnaed to attend your court in a case of alleged violation of the election law, a witness from Warren County, at the last term of the court?—A. I do not know that I remember the name.

Q. Have you any recollection of a case of a witness being summoned from Warren County, and who was assaulted, either on his way coming or going, and shot at? Do you know anything about that?—A. Yes, sir. I am not so certain about the name, but I recollect the case of a witness who was, at a subsequent period, appointed a supervisor, who sent up his resignation of his function or office as supervisor upon the allegation that he had been shot at. He had been a witness in the prosecution of a case in a previous term of the court. The report I heard was that he had been shot at for having him prosecuted.

By Mr. KERNAN:

Q. Shot at by the man he was against?—A. Yes, sir; by the man on whose trial he appeared as a witness for the Government, and that case came up. I heard that he was shot at some week or so previous to the election. That case was to be tried during the first week of November; it was then on the docket. A communication was received from that person—I think he was a fugitive from home—excusing himself from coming.

Q. To the trial?—A. To the trial.

By Mr. MITCHELL:

Q. Did he send the communication to the judge of the court—Judge Hill?—A. I forget whether it was addressed to me or to the judge.

Q. What was that communication? Have you got it?—A. No, sir.

Q. Was it destroyed?—A. I think I have it among my election-papers as supervisor. I have a very unfortunate memory for names. It was a witness in a particular case which I remember.

Q. What was the case?—A. The United States against a man named Hostler.

By Mr. MITCHELL:

Q. What was he charged with?—A. He was charged with using some violence against a person in 1875.

Q. Was there an indictment against him?—A. An indictment was found against him; the trial was had, resulting in a mistrial.

By Mr. KERNAN:

Q. The jury failed to agree?—A. Yes, sir. The case was up again for a hearing at the November term, and at that time he withdrew his plea of not guilty, and the counsel agreed to test the case on a motion to quash the indictment, which was sustained.

By Mr. MITCHELL:

Q. Did he attend?—A. No, sir; I do not know that he attended. He did not report to the court, I think.

Q. What reason was given in his communication?

Mr. KERNAN. I object to giving supposed reasons.

(Objection overruled.)

A. He referred to the attack which had been made on him.

Q. (By Mr. MITCHELL.) By whom?—A. This man Hostler.

Q. Was Hostler a democrat?—A. I do not know Mr. Hostler personally; he is reputed to be a democrat. I do not know his opinions of my own knowledge.

Q. What became of that motion?—A. The plea of not guilty was withdrawn, and a motion entered to quash the indictment.

By Mr. KERNAN:

Q. Where was that?—A. In the district court. The motion was sustained.

By Mr. MITCHELL:

Q. You have a Tinnin precinct in your county?—A. The Tinnin Monument precinct.

Q. Do you know anything about the election at that precinct in 1876, from your own knowledge or general notoriety?—A. I have no personal knowledge except that I appointed supervisors for that precinct, and found considerable difficulty in getting them appointed there.

Q. What do you know about four hundred and odd voters at that precinct who were registered and did not vote?—A. I have no personal knowledge about them. I had complaints made to me after the election.

Q. What kind of complaints?—A. They were men who were looking for the marshal at the time this complaint was made to me, to see if he could not afford them some sort of redress for injury they had sustained.

Q. What injury did they complain of?—A. They complained that they had not been allowed to vote; that they had been told after their tickets were examined that they could not vote at that precinct.

Q. Why?—A. About seven or eight men came into my presence and that of the assistant district attorney, and said they were looking for the marshal, to see if they could not get some protection; that they had presented themselves to vote and were not allowed to vote, and were directed to go away. Two of that number showed me their tickets, and said they were the identical tickets which they had desired to vote, and had been prevented from voting. I asked them if they all had their tickets, and they said they all had their tickets. That was a crowd of six or eight persons. That is all I know about that.

Q. Did they say why they were refused?—A. They said they showed their tickets and were refused; that there was no time.

Q. Were they voters there?—A. They said they had their tickets.

Q. Were they entitled to vote?—A. Yes, sir; they said so.

Q. Were they colored men, all of them?—A. Yes, sir; all colored men.

Q. When did they come to you; the day of the election?—A. No, sir; I think the second day after the election. Another voter came to me, in the presence of the judge—the judge and myself were sitting in my office, before the court opened—and a young man came in with a ticket in his hand, and complained that he had been badly treated about his ticket, and wanted to lodge his complaint with me as commissioner, and the facts were detailed in the presence of the judge. He wanted to know of me what he should do, and I said to him that the grand jury would be organized the next day, and that he ought to go and state his injury to the grand jury. I do not know whether he did or not, and I do not recollect his name. He said he was going to the polls, I think, at the Tinnin Monument precinct, though I am not sure about that, but he told me he was going to the polls with a republican ticket, and on the way he had been intercepted by persons who wanted to see his ticket, and that he had exhibited to them the ticket, and they told him that that was not a Hayes and Wheeler ticket, and if he wanted to vote that ticket he must have the one they showed him. They showed him a ticket with a picture of Hayes and Wheeler on it, but it had a different set of electors.

Q. Were they the democratic electors?—A. Yes, sir. I know noth-

ing further about it than that I gave him the advice to take it to the grand jury and the district attorney. I do not remember his name.

Q. Is it not a notorious fact that there were four hundred and thirty-seven persons, or thereabout, registered at Tinnin Monument precinct who did not vote at the last election?

Mr. KERNAN. I object to a question of notorious fact.

The WITNESS. I have not a personal knowledge.

By Mr. MITCHELL:

Q. Do you know the number registered in that precinct of Tinnin Monument?—A. I do not, of my own knowledge.

Q. Did you see any published statement?—A. I think it very likely that I did, but I do not remember it.

Q. Do you recollect the discrepancy between the published statement of the vote cast and the statement of the registration?—A. I cannot answer of my own knowledge.

Q. About what proportion of colored voters are republican and what democratic?—A. Well, sir, so far as I know, there is a very great preponderance of republican voters among the colored population. I know very few who are anything else but republicans, by converse with them. During the canvass of 1876 it was claimed by our democratic friends that they had a great many colored democratic voters in their clubs; it was denied on the other side; and, as to my own personal knowledge, I inquired in the city where I live who were the democrats among the colored people, and I was able to find but very few. I ought to say that I am not a member of either political clubs; I go very little to political meetings.

Q. Do you know what is the estimated republican majority in the State of Mississippi?

Mr. KERNAN. Estimated by whom?

Mr. MITCHELL. By the witness. What is the estimated majority, if he has made an estimate, with a full, fair, and free expression at the ballot-box?

Mr. KERNAN. I object. If we go on this way, if the evidence is printed, his testimony will be of no value whatever. Besides, the judge has not been in the habit of making estimates.

Mr. MITCHELL. If a large majority of yesterday has been overcome by sixty thousand to-day, we want to know the reason. [To the witness.] What, in your judgment, would have been the result in Mississippi on a full vote and a fair vote at the recent election?

Mr. KERNAN. I think that is quite as objectionable.

Mr. MITCHELL. I will waive the question for the present. [To the witness.] I believe the State of Mississippi went republican four years ago by about thirty-seven thousand, did it not?

The WITNESS. It was a large majority, but I do not remember the figures.

By Mr. MITCHELL:

Q. At the recent election it went democratic by about sixty thousand?—A. Somewhere from between forty and sixty or seventy thousand.

Q. What, in your judgment, are the causes of this revolution in political sentiment, if you please to call it so, as expressed at the ballot-box?

Mr. KERNAN. I object to that as a mere opinion.

(Objection overruled.)

A. Well, sir, my opinion is that that remarkable change in the result of the election, as compared with the previous elections since 1867, except in 1875, is based very largely, and I think mainly, on the fact that,

during the last year, 1876, there was a condition of affairs there which, in the opinion of republicans in the largest colored voting districts, made it dangerous for them to hold public meetings, or to form the political organizations which were necessary to bring out the republican vote. I think, according to the best of my information and knowledge, that is about the state of the fact.

By Mr. MITCHELL:

Q. This great change, then, was not wrought by a voluntary change of individual sentiment in relation to political matters?—A. I do not think so.

Q. State what you know, if anything, in reference to republican meetings being broken up or interfered with during the recent campaign.—A. I have no personal knowledge from being on the ground, but as an officer of the court I have information derived from the character of indictments which were found at the last term of the court for offenses of that character, consisting of breaking up meetings, &c.

Q. Specify some of them.—A. Is it proper for me to state occasions of that kind, of parties I do not know to have been arrested?

Q. State what you know from any source of republican meetings being broken up.—A. There are questions of fact that will come up under prosecutions of that sort, and I am unable to state who are the witnesses, or what can be proven, because I am not in possession of the testimony.

Q. Do you know of indictments having been found there?—A. I know of indictments having been found.

Q. How many?—A. There are some indictments on which there are a great number of persons.

By Mr. KERNAN:

Q. About how many indictments, and about how many persons?—A. I remember, at present, about eight or ten indictments.

Q. And how many persons?—A. I suppose about sixty or seventy indictments for preventing electors from making speeches, and obstructing them in their meetings, and such things, about which I have no personal knowledge except the indictments for some of which I issued subpœnas.

By Mr. MITCHELL:

Q. Do you know anything about a political meeting at Raymond?—A. Yes, sir; I know about one political meeting in the summer of 1876, and the only political convention I have attended since the war.

Q. What do you know about interference with that meeting?—A. I do not know of any interference, of my own personal knowledge; there was an intrusion on that meeting which I did not like.

Q. State what it was.—A. It was the interjection of a democratic address to that convention, which I thought entirely out of time.

Q. Not a very good thing for a republican meeting?—A. No, sir.

By Mr. KERNAN:

Q. Was it not a good thing to get both sides?—A. Not a very good thing at that time.

Q. Who was the man?—A. A gentleman, Mr. Harper, a friend of mine for forty years, a member of the legislature and commissioner of the United States court, &c.

Q. What was his name?—A. Harper.

By Mr. MITCHELL:

Q. What was the object of that convention?—A. To nominate county delegates to a district convention to be held at Brookhaven.

Q. It was an exclusively republican meeting?—A. Exclusively a republican meeting.

Q. How did Mr. Harper come to be at that republican meeting, if he was a democrat?—A. He is editor of a paper at that place. He was present with a large number of friends outside the railing that inclosed our little convention. He was invited to address the convention.

Q. By whom?—A. By some member of the convention who made the motion inviting him to speak and had it put. I made objection as a member of the convention to the interjection of a democratic speech, and my objection was overruled, and I got a very severe castigation from him for making the objection.

By Mr. KERNAN:

Q. Not a physical castigation?—A. No, sir; in his speech.

By Mr. MITCHELL:

Q. Were they armed men that this invitation was given to conciliate?—A. I do not know the motives; I only know the facts.

Q. What do you know from your own personal knowledge about members of that convention being attacked on their way home?

Mr. KERNAN. I object to anything except what the witness knows of his own knowledge.

The WITNESS. What occurred afterward, I do not know from my own personal knowledge.

Q. (By Mr. MITCHELL.) What do you know of it?—A. Some of the delegates informed me that they were attacked.

Mr. KERNAN. That is what I object to. If a man was attacked, he surely could come here and tell it himself.

By Mr. MITCHELL:

Q. What is your answer, judge?—A. I say this occurrence on the road between Raymond and Clinton was not in my presence, though I saw the party who was alleged to have made this disturbance.

Q. Was it not publicly admitted by the newspapers of both parties that an attack had been made of this character?—A. Well, sir, I do not know about the admissions of newspapers on the democratic side. I do know, however, that the fact was not denied, of such interruption of gentlemen on the road having been made.

Q. Now, what is the common understanding as to that?

Mr. KERNAN. I object to the common understanding.

A. I can state, in a very few words, all that I know and heard about it.

By Mr. MITCHELL:

Q. Very well; you can do so.—A. I went to that meeting in company with another delegate. A United States postmaster was my companion in the buggy. We started just as soon as we could have our horses hitched; and after the termination of the convention we stopped on the road about four or five miles from Raymond, going in the direction of Clinton. It was a very hot day. While we were there a barouche or wagon containing some six persons, I think, came up while we were stopping on the side of the road; Mr. Fisher, the postmaster, sitting in the buggy, and I stopped under the shade of a tree. These gentlemen passed, and as they passed a crowd of some six or eight young men came along on

horseback, following that barouche or wagon, and they passed us. We waited until the dust subsided which was raised by their horses, and proceeded in our buggy on our way home, avoiding Clinton as much as possible, passing the outskirts of the town. I went on home to Jackson. That night I heard from some of the party that this crowd of young men who were riding after that party, just as I told you, had overtaken them and treated them in a very rude and insulting and threatening way, making such demonstrations of an attack upon them that it seemed, as they supposed, intended to bring on a fight on the road. They were denounced, as they said, in the most unmeasured terms. One of the gentlemen in the barouche or wagon was the mayor of the city, and another was register of the United States land-office there, and another man, a man of quick temper, and one whom I believe had a pistol with him, was about to reply; and the mayor told me himself, in fact, that he enjoined it upon him to be silent and make no response. That is about the substance. There was no renewal of it after they passed us. It was a very fortunate thing that they made no reply to the demonstrations of the young men.

Q. Were you at Clinton at the time of the riot there in 1875?—A. I was.

Q. Will you describe what took place that day?—A. I could give but very little description of what took place that day further than what took place in my own view. I was a mere spectator.

Q. State what you know of your own personal knowledge, and any other circumstances about it.—A. I went over to a barbecue which I understood to be a republican barbecue. It was so stated.

Q. What was the date?—A. Fourth of September, 1875. I had heard an account of a terrible riot in Yazoo City, and had a desire to go to Clinton as a mere looker-on, to see what would be the temper of that meeting. It was a barbecue gotten up by the republicans. I expected to hear the governor, his excellency, speak.

Q. Governor Ames?—A. Yes, sir. He was advertised to speak with one or two other gentlemen. It was the first meeting I had attended. I saw a very large crowd of negroes—mostly negroes, and some few, a very small portion of white persons attending it. It was a very large meeting for that country. I would estimate it a large assembly. The speaking was changed altogether—the character of the meeting after the crowd got there that morning. I heard for the first time that there was an agreement to divide the time between the two parties and give the democrats an opportunity to be heard by a gentleman who was their nominee for State senator at that time. There had been no ticket nominated at that time for members of the senate and house of representatives of the State by the republicans. They had no candidate. When I heard that the day was to be divided with my friend Judge Amos R. Johnson, a very eminent gentleman, I went to the State senator then in office, of the county, who I understood was one of the chief promoters of the barbecue, honorable Mr. Colwell, member from Hinds County, and in the interests of what I thought peace and quiet—I went to Mr. Colwell and told him that since I had heard the proposition was to give Judge Johnson an opportunity to speak that day, and from no motive of unkindness toward Judge Johnson, I thought it wholly inexpedient to make any such division of time, and I thought it would be unfair to republicans to allow a well-trained candidate to speak when they had no candidate of their own party. The arrangement went forward, however. The thing went forward. Everybody seemed to be of good humor. I went up the hill and saw preparations made for a bountiful barbecue.

A large assembly it was, comprising not only men and women, but children. The speaking commenced as proposed between the parties. The speaking was opened by Judge Johnson, and I stood, I suppose, some thirty or forty feet from the speakers' stand, on a slope gradually rising from the stand; had a view of the stand and of the speaker. His speaking was entirely uninterrupted, except the good-natured cheers from both sides. The parties seemed to be in very good humor. He got through his speech without any interruption except in that way, and the speaker who had been selected to discuss with Judge Johnson on the other side rose and commenced his speech, and, as I supposed, was interrupted at the close of, perhaps, the very first sentence of his speech.

Q. Was this Mr. Colwell?—A. No, sir; he was a white man.

By Mr. KERNAN:

Q. What was the name?—A. Capt. J. D. Fisher. He had been a member of the Mississippi legislature, and was known as able to discuss the questions presented that day. Well, sir, just as he closed the first sentence of his speech, I heard an interruption some fifteen or twenty feet to my right; it was an interruption to me, to my listening; whether it was an interruption to Mr. Fisher, who was just commencing his speech, I have never been able to say. I made an inquiry about the matter and received an offensive reply to it. I simply raised my eyes, making no replication to the reply to me. That passed away, and the young man who had made the remark, and some others with him, turned off from the stand in a different direction and went over into a bottom, where I could not follow them with my eye. They had not been gone more than five or ten minutes till the melee commenced, of which you have seen an account in the papers. I endeavored to make my escape from the danger as well as I could, but the crowd seemed to retreat off in a different direction. I had retired to the other side of a very large tree, and the crowd went on down the hill and over the road to Clinton and on. To make a short story of what might be a long one, I finally walked over the battle-field and saw some of the results of it.

By Mr. MITCHELL:

Q. What was the interruption?—A. I do not say that that was an interruption to Captain Fisher, but it was an interruption to those of us who were listening.

Q. What was said?—A. It was just this, not exactly in the words, but this was the substance: Mr. Fisher had congratulated the crowd upon the fact that there was a discussion of such a friendly character; he expressed a wish that that state of things would continue until the election, and those words were scarcely out of his mouth than there was an interruption; a voice said, "It would be so if you all would quit telling your d——d lies." I felt it a discourteous thing, and I was afraid that friend Fisher had heard it and would be mortified, and I inquired of the United States marshal, right in my front, "Who made that remark?" I did not know it proceeded from a cluster of young men; and before the marshal, Mr. Lake, could reply, a gentleman right on his left gave the reply, intercepted him by replying himself, "That remark was made by my brother, if you want to know who he is. Do you want to know anything further of it, sir?" I said, "No, sir; I am satisfied."

Q. You did not want any further information just then?—A. No; on the other side, the young man, his brother, was approaching at the time with a rather threatening sort of gesture; he said, "I made it; I am

here if you want anything further, sir." I said, "I want nothing further from you." I had no disposition to enter into a controversy with the young man. I remained leaning upon my stick, and he did not interrupt me any further; he went away. After that he went over into the bottom, and the shooting commenced down there within ten minutes.

Q. How near the meeting?—A. I do not know.

Q. Could you see the persons?—A. No, sir; I could not see the persons. There was a little sort of valley in which they were.

Q. How many persons were hurt and killed there at this time?—A. I do not remember. In looking over the scene of the conflict in the evening I saw and helped to lay out one man who was dead, a negro whom I found a woman mourning over, and in company with a democratic friend who was walking over the ground we went and composed his body, so that he could be decently laid out. I then saw a wagon, very bloody, with some men in it. They were the only ones I saw.

Q. What happened the next day?—A. Well, sir, I can only speak of that from rumor.

Mr. MITCHELL. You may state it as a matter of history of the State.

Mr. KERNAN. I object to anything as a matter of history of the State. (Objection overruled.)

The WITNESS. Several days afterward there were large frightened bodies of negroes collected about the city-hall, in which my office is. They said they had been driven in by violence the night preceding, about which I do not undertake to speak because I was not out in the country myself. I know there were terribly frightened crowds—men declaring that they had been out all night. I tried to persuade some of them to go home, which I found it very hard to do.

Q. Was Senator Colwell killed after that?—A. It was some time after that. I know nothing of that, but I think it was after that. My impression is there was not another meeting of republicans in the county, away from Jackson. None that I know of.

Q. Did the spirit of terrorism in the State of Mississippi in 1875 prevent a fair election?—A. I can answer you as almost any citizen of the State would who was not out mixing up with those causes. I know that there was a great state of alarm growing out of that thing and what occurred at Yazoo and other quarters.

Q. Has that state of affairs continued during the late campaign?—A. I have not heard of so many cases of shooting and killing as in the year 1875, though I have heard of a failure on the part of republicans to organize their party in many of the counties of the district, and that is the reason that has been generally assigned to me why these organizations did not exist. I have never been out to inform myself specially, because I am not a politician.

By Mr. KERNAN:

Q. When was the meeting at Raymond?—A. Raymond was in 1876.

Q. Was that in Clinton in 1876?—A. In 1875.

Q. That was how far from Jackson?—A. About ten miles.

Q. And in Hinds County?—A. Yes, sir.

Q. Now of the people there what proportion were white and what proportion were black men?—A. You mean at Clinton?

Q. Yes, sir.—A. A large preponderance of colored men.

Q. Give me some proportion, as near as you can.—A. Well, sir, there were not many white men there.

Q. How many should you say, giving your best judgment of the num-

ber of white men?—A. I am a very bad judge of numbers; it was a very small proportion.

Q. One white to ten blacks?—A. I do not think there were one to ten.

Q. The blacks preponderated very largely, then?—A. Yes, sir.

Q. About what number of colored men were there there?—A. It was a very large meeting.

Q. Can you say how many thousand?—A. I reckon that 1,500 to 2,000 persons were there.

Q. They were mainly colored people?—A. Yes, sir; with a large admixture of women and children.

Q. This remark that came to you, and which you say was an interruption, came from a group of young men?—A. Yes, sir.

Q. About how many were in the group?—A. About six or eight.

Q. How far were you from them?—A. Some twelve or fifteen feet from them; and I suppose each of us was about equidistant from the stand.

Q. You do not think the speaker heard it?—A. I do not think he did. That was why I made the inquiry.

Q. And then, soon after, these six or eight young men went over the hill?—A. Yes, sir.

Q. Where was it you found a man killed; there?—A. No, sir; he was shot on the top of the hill, right by an old house.

Q. You soon heard firing, and then the crowd ran over there?—A. Yes, sir; surged around there; the frightened parties ran in every direction.

Q. Did you see any arms there yourself?—A. With my own eyes I saw but one pistol that day. I will state how I happened to find that.

Q. Who had that?—A. A colored man had it.

Q. Where was that; in the crowd?—A. No, sir; on the outskirts of the crowd that had scattered. It was on my way to the city. I met this colored man, and asked him why he had this pistol; it was a small one; he said he had taken it away from a white boy. The pistol had been discharged.

Q. Do you know how many were killed or wounded in the bottom there?—A. I do not.

Q. Do you know how the melee began there?—A. I do not. There are contradictory reports about that.

Q. Whether these young men fired upon some persons or some persons on them you do not know?—A. I do not know.

Q. Do you know how many whites were killed in the melee or riotous proceedings?—A. I know from reports that Mr. Chilton, a white man, Mr. Thompson, a young man by the name of Wharton, and I think a young gentleman by the name of Sivley or Sibley, or something of that kind. I think his name was Sibley.

Q. Any others that you know?—A. I heard that he had been barbarously killed; that was claimed by that side. I do not know anything about it.

Q. Were there any other white men injured?—A. I have heard of one other white man who was shot.

Q. Do you remember his name?—A. His name was——

Q. Wells?—A. He was a gentleman from Raymond, and secretary of the central democratic club.

Q. Was he wounded too?—A. He received a scratch in the hand, I think.

Q. These were democrats?—A. Yes, sir; said to be.

Q. Do you know any others that were wounded or killed?—A. I do not personally.

Q. Were these men killed over in the bottom?—A. No, sir; all killed when running from the meeting.

Q. I understand that Mr. Thompson was killed some distance from the ground, making his escape from there, and Mr. Chilton was killed near his own house, some distance from the meeting?—A. No, sir; on the ground somewhere; Mr. Sibley was not killed on the ground, immediately, either; I think a little out by the side of the road, by which the crowd were seated. Mr. Wells was also shot while passing down the road.

Q. Was Sibley the gentleman who was said to be killed by having his bowels cut out?—A. There were said to be circumstances of barbarity of which I know nothing personally.

Q. How many colored men were killed?—A. I saw one; and two wounded very dangerously.

Q. Do you know of any others?—A. Not of my own knowledge. It was said that there were a great many others afterwards.

Q. Did you see persons pursue the crowd?—A. This mound overlooked Clinton, and was half a mile from Clinton.

Q. Did the colored people go down to the village?—A. They were running for dear life. I never saw such running in my life.

Q. The crowd surged over the hill to the bottom?—A. They went in every direction they could get, so far as I saw. I was down near the stand.

Q. These white men that were killed were democrats as you understood?—A. As I understood, they were.

Q. You can give us no knowledge as to who was the attacking party?—A. I cannot give you the attacking party at the firing.

Q. Or how it arose?—A. No, sir; not on my own knowledge.

Q. You cannot say whether this young man, who was excited and spoke to you, was one of the men firing around?—A. I do not know; I heard that he was wounded, that he received a scratch.

Q. Was the United States marshal there?—A. Yes, sir; the United States marshal was standing by me, about three feet in front of me. We were spectators there.

Q. Now, about this matter at Raymond; this was a meeting for selecting delegates?—A. Yes, sir.

Q. And the gentleman that spoke was asked by some of the members to speak?—A. A motion was made in the republican convention to invite him to speak.

Q. Was that motion carried?—A. Yes, sir.

Q. So that the interruption did not take place until after the motion was carried?—A. Yes, sir; he was waiting, evidently prepared.

Q. It was a republican convention?—A. Yes, sir.

Q. I believe you said there was no violence there.—A. No, sir; none that I know of.

Q. And, of your own knowledge, you know nothing of that alleged assault by the man on horseback of the men going home there?—A. No, sir; I only heard of it afterwards.

Q. These young men did not complain of anything, except that they used abusive language?—A. It was very abusive.

Q. But was only words?—A. Yes, sir; as if endeavoring to provoke them to a fight.

Q. Are there a number of polling-places in a precinct, or is the pre-

cinct one polling-place?—A. There are sometimes three polling places in a precinct.

Q. Your divisions are counties, precincts, and polling-places?—A. Yes, sir; the registrars have the right of laying off the voting-precincts.

Q. In Mississippi how many supervisors are there in a precinct?—A. I think one from each party.

Q. They are appointed by whom?—A. By a board of county police, called supervisors since the war.

Q. And what are their duties in relation to the election?—A. They have none now; previous to 1876 they appointed the officers of registration. That was repealed in 1876, and the governor and secretary of state were constituted a board of State registration, with power to nominate the board of county registration, or county board of registration.

Q. And the attorney-general, also, is on this board?—A. No, sir.

Q. Prior to that this board of county supervisors were appointed by whom?—A. They were elected by the people. That board of county supervisors appointed the registrars, as we call them there—the board of county registration.

Q. Now it is the duty by law of these officers of the counties to make registration, I suppose?—A. Yes, the registrars appointed by the governor.

Q. And when do they begin their duties?—A. There is no time fixed by law. There is only a time fixed when they shall close.

Q. Did not the governor select these men from both parties?—A. The law says they shall not be of the same party.

Q. How many?—A. Three, and not all to be of the same party.

Q. So far as you know, was that observed?—A. I have no personal knowledge on that subject. I can only state to you the law. The law requires that there shall be three appointed by the governor, and that those three shall not be of the same political party. Any two may have all the power, and discharge the duties of the entire board; and they must appoint one to conduct the registration.

Q. Now, in your county of Hinds, were they not appointed by the governor and secretary of state?—A. I think they were; but whether that one acted or not I do not know.

Q. The United States court did not meet till the 17th of August?—A. No, sir; the judge gave notice that he would meet on the 17th of August.

Q. How many petitions must be sent in to have a supervisor?—A. Any ten citizens of good standing may petition.

Q. And then how many are appointed?—A. Two for each voting-place.

Q. And as far as they were petitioned for by the people they were appointed?—A. Yes, sir, with very few exceptions.

Q. You say there was among the legal fraternity there, in your State, a quite prevalent opinion that the law was not valid in reference to these supervisors?—A. There was that opinion among a great many.

Q. Lawyers—some among both parties?—A. I do not undertake to say there was among the republicans.

Q. Were there any among the republicans?—A. No, sir; I do not know of any. The opinion I was then referring to was the opinion as to the bearing of the circular of the Attorney-General to the marshals, in view of the opinions of the Supreme Court in the Kentucky and Louisiana cases. There are a few republican lawyers I have heard express opinions that the decisions in the Kentucky and Louisiana cases were contrary in spirit to the execution of the law.

Q. Do you remember that Mr. George was chairman of the democratic State committee?—A. Yes, sir.

Q. Do you know that he sent a request to the chairman of the republican committee to send a name for supervisor?—A. I do not know of his giving such notice. When they were nominated they came to me through General George.

Q. How did he generally apportion those two that he appointed—from the same political party?—A. No, sir; never. We took the most careful method to obtain a representation of both parties.

By Mr. MITCHELL:

Q. Would you in any case appoint one unless you appointed two for an election precinct?—A. I would not—that is, if they were both nominated—for both parties. I would not let the refusal of one to nominate a man deprive the other of a supervisor.

By Mr. KERNAN:

Q. If the democrats requested and the republicans did not, you appointed a democrat, and if the republicans requested and the democrats did not, you appointed a republican. If they both petitioned, you appointed both.—A. Yes, sir.

Q. Have you any personal knowledge that there was an organization or organized effort by the democrats to prevent supervisors from being appointed?—A. I do not undertake to say.

Q. But you have no knowledge that there was?—A. No, sir. I have simply stated that I was endeavoring to obtain joint action.

Q. In many places there was no joint action.—A. In a very few instances.

Q. There were some counties where there was that joint accord?—A. Yes, sir.

Q. And some counties where they did not apply on either side?—A. Yes; notably the county of Adams.

Q. As to the Attorney-General's circular in reference to the appointment and duties of marshals, that was a matter in which there was dissent from its being according to law?—A. Yes, sir.

Q. Did each of the supervisors—or, if not, how many—make reports of what occurred at the election?—A. Well, sir, if you will allow me I will state exactly what occurred. In the fall of 1875 I desired to have those reports provided for by one of the sections of the Revised Statutes. I was proceeding to obtain such a report in connection with one particular county in which the election was a great surprise to everybody, and I asked the judge of my court whether I should be permitted to demand such a report. I wanted to get at the ballots. He told me he did not think it was my function to apply for them. I did not do it, although I differed from the judge.

Q. Do they make reports to the judge by law?—A. No, sir; the reports are made to the chief supervisor and by him to the court.

Q. How many reports did you receive in 1876?—A. I do not think I received three reports.

Q. In 1875, were there any reports made?—A. Well, sir, three or four, but I just filed them away.

Q. What was the character of the reports which you did get?—A. They spoke of the election having passed off quietly.

Q. Were there any exceptions to that among the official reports that came to you in 1876?—A. I had none, generally speaking; one or two, perhaps; three, any way, were as much as I received, and they said

the elections were fair, and they were signed by both parties. They only spoke of what occurred at the elections.

Q. How many men excused themselves from serving, assigning that they were afraid, or anything of that kind?—A. I do not undertake to say how many in the aggregate. I only spoke of those who refused to me personally.

Q. How many of those were there?—A. I only remember of two individuals objecting to me personally, though I had several statements from chairmen of county organizations stating that such objections did exist.

Q. When they came to make complaint to you, you told them to go to the district attorney? Did any one but one make objection to you?—A. That is what I would say to them.

Q. Did any of them do so?—A. No, sir; only the one case that I spoke of.

Q. This man from Holmes County; you said he was in jail. Was he in jail at the time he made the complaint?—A. At the time he made the affidavit.

Q. What was he charged with?—A. The counsel in Jackson had received some sort of telegraphic information upon which he was arrested.

Q. What was the charge?—A. They charged him with having shot at some white man.

Q. Then he made a complaint before you that some one had wronged him? Was that man afterwards convicted and sent to the penitentiary?—A. I first heard that he had declined to prosecute his case before the United States authorities, stating in a note to the district attorney that he would have a settlement. I next learned that he had gone back to his county. I heard afterward that he went to jail; subsequently to the election I heard that he had been sent to the penitentiary.

Q. Did any one after election come and make legal complaint by affidavit or otherwise?—A. No, sir; some proposed to do so, but I told them that inasmuch as the grand jury was in operation they had better go before it.

Q. And they went before the grand jury?—A. I do not know.

Q. You said some eight or ten indictments were found?—A. Yes, sir; I do not remember the number exactly.

Q. This registration-law of your State is before us. It requires that the voter shall give the portion of the district that they live in. That, I suppose, is a law with a view to identify the parties?—A. I do not know what view that may be; you can gather that from the terms of the law.

Q. Was there not a large colored vote at the last election?—A. I believe there was a large vote counted out.

Q. Was it not given?—A. It was so reported.

Q. How did the total vote compare with that of 1875?—A. My impression is that it was much larger. I paid very little attention.

Q. In my own State, for instance, where every citizen has a right to vote, the registration is for the purpose of showing who has a right to vote, and securing him in that right, and I never yet knew a vote hindered by the voter having been registered. How is it in your State?—A. I do not know anything about that.

Q. Is it not the very object of the registry to show who has a right to vote?—A. The constitution gives certain persons the right, who have certain definite qualifications.

Q. You do not suppose that the colored men who did vote, voted without registration?—A. No, sir.

Q. The inspectors would not let a man vote without his being registered?—A. I do not know but what he might under some circumstances have a right to do so. The presumption is that every man has an opportunity of registering. I speak of the opinions I got about the character of that law, that are based upon the estimation if the terms of the law of 1876 were faithfully carried out.

Q. Do you know of your own knowledge of any instance where any man was intimidated from registering?—A. Of my own personal knowledge I do not.

Q. Do you know of any instance where a man was intimidated by threats of violence?—A. Personally I do not, and for the reason that I have already stated, that my business confines me to my office and I am not out among the voters.

Q. So that so far as intimidation and violence are concerned you have no knowledge of it in 1876?—A. I have no personal knowledge, for the reasons I have stated.

Q. Do you know of your own knowledge of any violence being used at all in 1876, or riots at any place either at elections or meetings?—A. Of my own knowledge, I have told you that I have none.

Q. Now do you know of your own knowledge of any intimidation to persons at all in reference to organizing or holding meetings in 1876?—A. I do not by personal knowledge, but I do by report.

Q. You got no reports from any of the supervisors of intimidation offered on election-day?—A. No, sir. I have told you that I have had a few reports, or letters, rather. I thought I had the power to require the reports.

Q. You spoke a while ago of applications that were made to you by persons who thought they were wronged. Were those the persons you have already mentioned and those whom you told to go to the district attorney?—A. Yes, sir.

Q. Do you know upon what ground persons in the Tinnin Monument precinct were denied the right to vote, as they claimed?—A. I can only know what they told me, those who spoke to me.

Q. You do not know whether they were registered or not?—A. I only know what they told me.

Q. Was it not true that there were complaints that the officers didn't get through in time to take all the votes, the way they did the work there?—A. I do not know about that; these men that I mentioned told me how they were turned away.

Q. That was not told you by the officers of the election?—A. No, sir; by voters.

Q. Who prevented them? The officers?—A. The complaint was that they were prevented by persons outside and by persons around the polls, from getting to the box to deposit their votes. They said they were asked what ticket they had, and when they presented their tickets, they were told there was no time nor room for them, and to go away.

Q. Was there any violence?—A. That kind of violence.

Q. Nobody struck them or hurt them?—A. They spoke of it as being "driven away."

Q. "Driven away" except by saying to them there was no time or room?—A. I cannot tell you the exact language; the effect was that the declarations made to them were such that they did go away.

Q. Did any one of them say that any one had laid hands on him?—A. No, sir.

Q. Did any one say that any one had threatened to lay hands upon him?—A. No, sir.

Q. Did any one say that any one had made an attack on him in any way with weapons of any kind, or with his hands?—A. No, sir.

Q. Only just as you have given it already?—A. Yes, sir; that they were told that they could not get a chance to vote there, and the effect was that they went away without voting.

Q. How many of them said that?—A. Some six or eight in a little company which approached me and the district attorney standing there together.

Q. And that is all you know?—A. Of my own knowledge. I heard a great deal more which I do not desire to state.

Q. You have no personal knowledge of the man who complained that he was shot at?—A. No, sir; I have no further than what transpired in the court at the trial of his case. I heard the trial, the motions, and the final judgment.

Q. Do you know whether there were any indictments found with reference to the Tinnin Monument precinct for preventing voting?—A. I do not remember with reference to that particular place.

Q. Hinds County is a republican county, is it not?—A. It has been, until this last election.

Q. How did it go this last election?—A. Very largely democratic.

Q. What was the vote?—A. I do not recollect the number; I will say to the committee that I am not in the habit of keeping elections and the number of voters in my memory.

Q. Did you not witness in your own town in October, 1875, the democratic procession that met at the fair-ground?—A. I heard of such a thing, but I did not see it.

Q. Did you see it go through the town?—A. I do not think I did.

Q. Could you say that there were or were not colored men in large numbers in that procession?—A. I heard there were some colored men.

Q. Did you not see it?—A. I did not see it. I keep away purposely from those gatherings. My office is out of the line of march of those processions generally.

Q. Have you any personal knowledge that there were any threats against republicans during the election of 1876?—A. I have not from personal knowledge. They did not tell me their purposes.

Q. Do you of your own personal knowledge know of any one's being prevented from registering?—A. I have several times answered you that I do not.

By Mr. MITCHELL:

Q. Do you not know, as a matter of history, that, following the riot at Clinton, the country round about for the next two or three days was scoured by democratic organizations over a circuit of many miles, and that a large number of unoffending persons were killed, ranging from thirty to fifty persons?

Mr. KERNAN. I object to that unless the judge knows something of his own knowledge.

Mr. MITCHELL. I insist on an answer.—A. Well, sir, without professing to have seen any of those parties, or knowing that they were democratic organizations, I know that it is a matter of common understanding and belief and report in the county of Hinds that for several nights succeeding the Clinton affair armed parties were parading the roads of that county, and it is reported that several negroes were killed during that time. I cannot be particular as to the number. I have seen very large crowds of colored persons running into Jackson during the days succeeding that riot.

Q. Immediately afterward?—A. Yes, sir.
Q. During the three or four days?—A. Yes, sir.
Q. How far is Clinton from Jackson?—A. About ten miles.
Q. How far from Raymond?—A. About eight miles.
Q. You referred to Mr. J. W. Harper?—A. Yes, sir.
Q. Was he the editor of the Raymond Gazette?—A. Yes, sir.
Q. Is he still publishing that paper?—A. Yes, sir.
Q. He published that paper in 1875?—A. Yes, sir; he was the candidate of the democratic party for representative.
Q. I will ask you if, prior to the Clinton riot, in the month of June or July, Mr. Harper did not publish the following, which I will read:

There are those who think that the leaders of the radical party have carried this system of fraud and falsehood just far enough in Hinds County, and that the time has come when it should be stopped, peaceably if possible, forcibly if necessary. And to this end it is proposed that whenever a radical pow-wow is to be held, the nearest anti-radical club appoint a committee of ten discreet, intelligent, and reputable citizens, fully identified with the interests of the neighborhood, and well known as men of veracity, to attend as representatives of the tax-payers of the neighborhood and county, and true friends of the negroe-assembled, and that whenever the radical speakers proceed to mislead the negroes, and open with falsehoods and deceptions, and misrepresentations, the committee stop them right then and there, and compel them to tell truth or quit the stand.

Q. Is not that an extract from an editorial in the Raymond Gazette, in June?—A. Just about that time such an article appeared in that paper. It was copied extensively in other papers of the State. I was very forcibly struck, indeed I was alarmed, at the tendency of such an article.
Mr. KERNAN. I must object to your giving opinions.
A. Well, I think there was such a publication. I acknowledge I was exasperated at the paper. I can give you the reason I felt excited.
Q. (By Mr. MITCHELL.) State why.
Mr. KERNAN. I object to that.
(Objection overruled.)
A. It was because he was a United States commissioner, and I thought that proposition a violation of the laws we are sworn to enforce.
Q. (By Mr. MITCHELL.) Was not the Clinton riot inaugurated by a body of eight or ten young men from Raymond, who acted apparently under the advice of the Raymond Gazette?—A. I cannot undertake to speak as to matters of fact. The young men were from Raymond, old men and young men were from Raymond. Mr. Thompson, I think, was from Raymond; Mr. Sibley, I think, was from Raymond, and I think Mr. Wharton was from Raymond; Mr. Wells was from Raymond.
Q. Have you any knowledge of the Mr. W. P. Haffa?—A. No, sir; I never saw the man in all his life; if I ever saw him I did not know him.
Q. You said that you issued one hundred and ninety-nine commissions. Do you know how many of these were to democrats and how many to republicans?—A. An equal number.
Q. There was no instance where you appointed one supervisor and did not appoint two?—A. Where they were asked for. There were some instances where one party asked and the other did not.
Q. How does it come, then, that there was an unequal number?—A. Well, sir, there were some little incidents which produced that inequality; one or two. It was not the design. The purposes were to issue to both; my instructions from the court, and my own purpose, was to make it exactly equal.

By Mr. KERNAN:

Q. Were there troops assigned to Jackson, and, if so, about when, in 1876?—A. We had very few there. For the last month or two, I think, preceding the election, there were very few.

Q. Were there some at this Tinnin precinct?—A. No, sir; they were not stationed there, but I heard a rumor that some were sent there.

Q. Were there any there on election-day?—A. I do not know.

Q. There were soldiers ordered into your State last fall, about the time of Taft's order?—A. I do not know. They were there from the time of the war. There was complaint that so many soldiers that were there had been taken away.

Q. Do not you know that they were distributed as the marshal directed?—A. No, sir.

Q. That they were distributed as Marshal Lake had directed?—A. No, sir.

WILLIAM PRICE sworn and examined.

By Mr. MITCHELL:

Question. Where do you reside?—Answer. Grenada, Miss.

Q. What is your profession?—A. Well, sir, I cannot exactly tell you what it is at present.

Q. Are you a minister?—A. I was.

Q. How long have you lived at Grenada?—A. A little over eleven years.

Q. What county?—A. Grenada County.

Q. State what official positions you have held in Mississippi, if any?—A. I was mayor of the town for about three years.

Q. When was that?—A. I was appointed in 1868.

Q. What other official positions have you held?—A. I was elected to the State senate in 1871.

Q. How long did you serve?—A. Four years.

Q Elected as a republican?—A. Yes, sir.

Q. Are you a republican now?—A. Yes, sir. I was also postmaster there.

Q Do you know what years you were postmaster?—A. From 1869, for about three years.

Q That would be up to 1872?—A. After I was elected to the senate I resigned my position as postmaster.

Q. State what was the condition of public sentiment in Mississippi toward public officers, State and Federal, during the years 1875 and 1876?—A. If you have no objection I would rather you would commence with 1875, and that would bring me up to 1876.

Q. Very well; confine your answer to 1875.—A. During 1875 the state of feeling became unusually intense in opposition to the republican party. In my county up to that time we had carried the county by about four or six hundred majority. In 1875 the republican clubs were organized as usual, and I took rather an active part in the organization of the republican club in my own town and also in the county. I soon found a state of opposition and bitterness exhibited toward republican nominees and republican officials that rendered it somewhat, as I thought, unsafe and dangerous to carry on the canvass as I had done in previous elections. I visited during the canvass, in company with Judge Stearnes, of Holly Springs, for the purpose of holding a meeting in the town of Charleston, in Tallahatchie County.

Q. When was that?—A. October, 1875. On our return from Charles-

ton, when we came to the railroad station, the railroad leading from Memphis to Grenada, a large crowd congregated. It was a crowd of twenty or thirty men congregated at the depot. As soon as the train reached it I, in company with the other two gentlemen, went toward the train for the purpose of going to Grenada. I soon saw some demonstration which convinced me that some kind of a riot was contemplated, and a man near me commenced swearing, not addressing his remarks to me in particular, and with a brickbat, or a pair of knuckles, or some very solid kind of instrument, he struck me on the head a solid kind of blow. I bled very freely, and he attempted to follow me up with a blow, but the two gentlemen that were with me rushed to my relief, and when the man who struck me saw them he desisted from striking me a second time. I stepped immediately on the train. I had no acquaintance with the parties?

Q. Had no personal difficulty?—A. No, sir; never met them in my life before. It was purely political.

Q. How many persons were there?—A. Twenty or thirty.

Q. How many with you?—A. Two.

Q. Were they armed?—A. I could not tell. It was about ten o'clock at night.

Q. What did they say?—A. They did not address any remark to me. One man said, without speaking to me, "G—d d—n them, I will go for them."

Q. Were you then on your way to the meeting?—A. On the way from the meeting.

Q. That you had addressed?—A. Yes, sir; the same.

Q. The same day?—A. Yes, sir; the same evening. In Grenada, at the beginning of the canvass, I addressed several meetings in the county, but before the close of the canvass I found a degree of bitterness had been engendered that I had never seen before, and threats were made against me, as I wielded a little more influence than others, that unless I desisted from the canvass I was in danger of my life.

Q. In what way were these threats made?—A. To my face.

Q. Personally?—A. Yes, sir.

Q. Frequently?—A. Yes, sir. I will name one particular instance. On Saturday, when I was discharging the duties of chancery clerk—the regular chancery clerk had been appointed consul to China and I was filling his office—about noon, perhaps, three very prominent gentlemen, perhaps three of the most prominent, in some respects—in wealth, in position, and intelligence—knocked at the door of my office. One's name was John Powell, who is of the firm of Powell, Chant & Co., in New Orleans, and also of a joint firm in my own town; another was Mr. Robert Mullin, one of the wealthiest men in the county, worth half a million. The other was J. M. Duncan, a large planter in the county. They were men in whom I had the most implicit confidence in their integrity, and with whom I had been on friendly terms.

Q. All democrats?—A. Yes, sir. They said they wanted me to go to a private room, as they had very important business with me. I took them to a private room and turned and locked the door of the room. Mr. Mullin, I think, was the speaker. He said: "We have called on you on very important business; we do not want to see your blood spilled in Grenada; we have no unfriendly feelings toward you except in politics; we come not as a committee sent, but we volunteer to save your life." I inquired, "What offense have I committed, gentlemen?" I added, "I have violated no law, county, national, or State." "We have nothing except your politics," they replied; "but we do tell you

emphatically that unless you withdraw from the canvass you are in danger of your life, and your property is in danger. You know generally we do not approve of any such violence, but the feeling here politically has gone to such an extent that they have determined that you will have to quit politics in this county; and your influence over the negroes is such, that unless you withdraw from the race and quit politics, we warn you in time that you are in danger of being killed at any moment."

Q. How long was this before the election?—A. Three or four days.

Q. What time in the day was it?—A. Eleven or twelve o'clock in the day.

Q. What did you do?—A. I heard them very patiently for, perhaps, an hour, and in reply I told them, "Gentlemen, I am a republican, as you know; I was in the Army nearly four years, and have been here nearly ten years. You know I have been a republican all the time. I cannot be anything else. I shall dare to advocate my views, and if that is cause sufficient for me to be killed in the town of Grenada, then your friends know where to find me." One of them said, "It is no use to talk to him any further." The election took place in a few days. I was warned by several persons that it was unsafe for me to go, for the feeling was very intense. I knew it was. A Mr. Townsend came up to me and said he would walk with me, and wanted to know if I was going to vote.

By Mr. KERNAN:

Q. What was his name?—A. J. B. Townsend. I went up to the polls. A young man said, "That's old Price, is it, G—d d—n him; I'll hit him with a brickbat." There was no further violence. I voted, and the captain of a large company came up to me and walked with me until I got into my office. He did not say why, but I presume it was to protect me from danger.

Q. Who was that?—A. Capt. J. B. Crowder.

Q. From the time you were struck to the time of the election did you make any speeches?—A. I did not.

Q. You were prevented, then, from continuing your campaign by these threats of violence?—A. Yes, sir; but prior to that, during that same campaign, at the time of nomination for our county officers, we had informed the republicans of the county at large that there would be a nominating convention held at the town of Grenada on a certain day, and a very large crowd of colored men, perhaps a thousand or more, and a very large number of white men also, attended. About 11 o'clock, perhaps, in the day, I was sitting in my office; a man ran in there and said to me that Mr. French, the candidate for sheriff, and who was acting sheriff at the time, was beating a Mr. Jacobs, a white man who had taken a very prominent part in political affairs. I went to see. I could see him striking a man over the head. The man tried to save himself. As soon as the man French saw me, twenty or thirty yards distant, he cursed me bitterly, and immediately drew his pistol and fired. The ball struck a few feet from me. His son then rushed up to him; his son got it, and he told his son to "go and kill the G—d d—d scoundrel right off," and his son rushed toward me. I never carried a pistol. I am a peaceful man. Mr. Kelly, who was a revenue collector, remarked to me, "You had better get away; he is right after you." I went in through the side door, in the direction of the post-office, and in about a second or two he fired at me—fired twice—and Mr. Kelly did not know whether

he was firing at him or me, and I did not know myself, for he was in range of the pistol-shot.

Q. Is Kelly a republican?—A. Yes, sir.

Q. Were you on unfriendly terms?—A. Yes, sir; we had been on unfriendly terms, but no more unfriendly than for a year before.

WASHINGTON, D. C., *January* 16, 1877.

GEORGE A. WILSON sworn and examined.

By Mr. KERNAN:

Question. Where do you live?—Answer. In Lexington, Holmes County, Mississippi.

Q. What is your business?—A. I am a lawyer, and district attorney for the counties of Holmes, Yazoo, Leake, Madison, and Attala.

Q. Do you take some part in politics?—A. Yes, sir.

Q. Much or little?—A. I took some interest in politics both in 1875 and 1876; never before in my life.

Q. When were you made district attorney of those counties?—A. In November, 1875.

Q. Were you elected?—A. Yes, sir.

Q. Elected at that election?—A. At that election.

Q. You are a democrat, I suppose?—A. Yes, sir.

Q. What means of observation had you in reference to the election of 1876?—A. I was all over my county, Holmes, just before the election. I had business at the courts in the counties of which I am district attorney, so that I saw the people and talked with the politicians; read the newspapers.

Q. Had you read the complaints of the grand juries?—A. Yes, sir.

Q. Had you attended political meetings through those five counties?—A. Yes, sir.

Q. Anywhere else in the State, or was your observation mainly as to those counties?—A. Mainly as to those counties. I was at Jackson several times.

Q. State, giving as fully your means of observation and knowledge as you can, whether there was or was not a registration and election with or without violence, naming any violence you know of; and with or without intimidation, naming it in your own way, as accurately as you can.—A. In the first place I will say that our board of registrars are the very best men in our county, Holmes County.

Q. Are they from each party?—A. Two from the democratic party and one from the republican party, being three in all.

Q. What kind of men do you say they were?—A. I say they are the best men in our county. They were taken because they were thought to be good men.

Q. By what body are they appointed?—By the State officers. The republican member is a minister of the gospel; and the other two, the democratic members, are laymen.

Q. What was the business of the other two, planters or business men?—A. One of them is a physician and the other is a cotton-planter. I registered. They were doing duty, apparently, at the time I registered. I never heard any complaint that they refused to register any one. The full complement was registered in our county and a full vote polled.

Q. Did you hear any complaint at all that they embarrassed any one in being registered?—A. I never heard of such a thing, either in my county or in the adjoining counties.

Q. Have you any knowledge of any interference or intimidation or wrong in any way in the registration?—A. None whatever.

Q. You addressed meetings through your district in these five counties and attended court there?—A. Yes, sir.

Q. What do you say as to whether there was a state of intimidation toward the republicans or not?—A. I know there was not, as far as my knowledge goes, and I think I have as much knowledge on that subject as any one man.

Q. State whether there was any state of things intimidating people by any demonstration at all, to your knowledge, or according to your information reliably?—A. None at all. As to my information, I have heard prominent republicans say that there never was a fairer election. An ex-member of the legislature in our county, H. H. Trueheart, his name is, a colored man and a republican, said that at our box in the election and polling precinct there never was a fairer election. I heard him say that myself.

Q. Did you attend the election?—A. Yes, sir; I was there all day.

Q. In your own precinct?—A. Yes, sir. I know there was no intimidation there. If there was, I would have seen it.

Q. How large is the town in which you live?—A. Eighteen hundred inhabitants.

Q. What is the name?—A. Lexington.

Q. How many polling-places are there in that town?—A. only one. We poll about 800 votes; I think there are between 800 and 1,000.

Q. How was it there as to there being good feeling?—A. Perfectly good feeling.

Q. Was there any intimidation that you saw anywhere in any way?—A. None that I saw, and I would have seen it, because I was there all day. I never heard any complaint anywhere throughout the county.

Q. What is the proportion of colored voters to white voters in your town?—A. There is about between 1,700 and 2,000 colored majority in Holmes County.

Q. Did they hold any joint meetings there, or were they separate meetings?—A. The republican party was not organized in our county at all; they did not hold any meetings at all—every one that was held was a democratic meeting—because they had no leaders. These adventurers, who were beaten for office in 1875, every one had left on or before the first day of January, 1876.

Q. They did not remain?—A. No, sir; and the party was disorganized; they were distracted.

Q. Did the colored people, any of them, and, if so, indicate what numbers, attend the democratic meetings?—A. They did. The colored people attended the democratic meetings in large numbers; joined the democratic clubs, wore the uniforms, and rode in the processions before the election. I know there was one democratic club in Holmes County of about 350 men, and there were 275 of those colored men. There is another one where there are over 100 men, and others throughout the county.

Q. Clubs of which there were white and colored members?—A. White and colored together.

Q. Do you know whether the colored members joined and acted voluntarily with those clubs, or were they in any way coerced or intimidated to join and act with the white men?—A. As I have said before, I

never saw any intimidation or coercion on the part of any one. They joined in the processions and hollooed "Hurrah for Tilden."

Q. Did the colored men who joined your clubs and appeared in your processions seem to be enthusiastic or otherwise?—A. Yes, sir; they were very enthusiastic. They said they had tried the carpet-bagger long enough and were tired of him, and they were going to try their own home-people once more.

Q. Was that the state of things throughout your county?—A. It was.

Q. When you attended courts in the other counties, was it during the canvass or during the summer-time?—A. In the autumn; my first court was in Leake County the first Monday in September, then in Madison, and then in Attala.

Q. In attending those courts you saw the people?—A. Yes, sir; there were speakers on each court-day. The people were gathering, coming to court.

Q. You held meetings there which colored and white men attended. Did large numbers of colored men attend those meetings?—A. Yes, sir; I remember a meeting in Attala County, the adjoining county, where a colored democrat by the name of Younger came, I forget now where he was from, but he drew a large crowd. He was there on the first day of the court.

Q. Was he a speaker?—A. Yes, sir.

Q. Were there other colored speakers?—A. There were.

Q. Addressing the people on behalf of the democratic party?—A. Yes, sir. In Madison County there was a colored democrat, Adam Simpson, running for the legislature, to fill a vacancy, nominated by the democratic party.

Q. Did he stump for them?—A. He stumped for them.

Q. Did he get elected or beaten?—A. He was elected; his colored friends and white friends voted for him.

Q. Were there in each county colored men attending the meetings?—A. There were.

Q. And addressing the meetings?—A. I speak of these two; I do not know of no others personally where colored men spoke.

Q. Was there not a leading colored man at Beloit?—A. Yes, sir; his name was Marshall—James G. Marshall. He is a democrat. He was formerly a republican, but he has now declared himself a democrat, and in the canvass of 1876 he made democratic speeches and was instrumental in organizing that club. That was the club I spoke of that had nearly three hundred colored men in it.

Q. Now what was the character of the speeches you heard made? Were they encouraging people, colored and whites, to register, or discouraging them?—A. They were encouraging them to register; they wanted them all to register. We have one paper in our town that is a democratic paper, and every edition that came out called the attention of the precinct to the fact that the board of registrars would be there at a certain time and advising the voters to go and register.

Q. Do you know whether there were supervisors appointed; and, if so, in which of these counties? I mean now supervisors appointed under the United States law?—A. I understand. My partner, Mr Hooker, is chairman of the democratic executive committee of Holmes County, and I think he received a communication from Judge Swan to suggest the names of some men that he wanted for the position of supervisors of election at the different precincts throughout the county, and he forwarded the names to Judge Swan, and they were appointed.

Q. Did he forward for each precinct one or two?—A. He forwarded two names.

Q. One of each party?—A. Yes, sir. The chairman of the republican committee is expected to nominate one and the chairman of the democratic committee the other. There being no republican chairman in our county, I think now that Mr. Hooker nominated them both. However, one was a republican and one was a democrat, throughout the county, at each precinct.

Q. Do you know in your counties of any violence? Did any riot happen in either of those counties during the canvass of 1876?—A. No, sir; none whatever.

Q. So far as you know, then, it was a free, orderly election, good-tempered, and free from intimidation?—A. It was. We have some northern men in our town, and republicans, too, before they came to the State, but they said they could not "tack on" to such a republican party as that in Mississippi. I remember one, Mr. H. T. Willis, from New York State, said he never saw a fairer election in New York than he saw in Holmes County.

Q. Now take the year 1875, which has been also inquired about somewhat. You were in the canvass running yourself in those counties and were elected to the district attorneyship?—A. Yes, sir.

Q. If you know of any violence or intimidation, state it. If it was otherwise state it. If it was mixed, state it. I want just your understanding of it.—A. Up until 1875, our county had been run, you may say, by a set of men who had come in there and called themselves republicans, who were elected to office, and the records show that they had stolen about $51,000 from us.

Mr. MITCHELL. If there is any record showing who stole anything, Mr. Wilson is lawyer enough to know that it ought to be produced.

Mr. KERNAN. But he has had an example here. [To the witness.] If any of these officers was a defaulter, name who it was?

Mr. MITCHELL. I suppose there is a record of that?

Mr. KERNAN. It would violate all the rules of this committee if we were to send for the record to prove that a fellow was a defaulter. [To the witness.] Name one who was in default that you know.

A. An ex-tax collector was in default. I got a judgment on his bond a few weeks ago for $51,000.

By Mr. KERNAN:

Q. What was his name?—A. H. B. Loverin.

Q. And he was tax-collector of what county?—A. The county of Holmes.

Q. State tax collector?—A. State and county tax-collector.

Q. From what time to what time?—A. From January 12, 1875, to January 1, 1876.

Q. You as a district attorney had to sue him upon his bond?—A. Yes, sir.

Q. Where is he?—A. He is in Vermont.

Q. Where do his sureties live?—A. Some of them live in Holmes County.

Q. What was the amount recovered against the sureties?

Mr. MITCHELL. I object to all this. The record should be produced.

Q. (By Mr. KERNAN.) State the amount of the recovery.—A. Fifty-one thousand dollars and something over.

Mr. MITCHELL. I object furthermore that this is going into an inquiry of State matters there that we have nothing to do with.

Mr. KERNAN. I think it might tend to show why people changed. [To the witness.] When did he leave the State?—A. About January 1, 1876, when his term of office expired.

Q. (By Mr. KERNAN.) If there was any other officer who was a defaulter, indicate it.—A. I did not intend to state anything but what I know. When I said that they had stolen this amount, that was my knowledge. One of these men, whose name is O. S. Lee, has one indictment against him for murder and one for embezzlement.

Q. What was his office?—A. He was chancery clerk, and also deputy county treasurer. The law does not provide for any deputy county treasurer, but they fixed it up among themselves. T. W. Stevens was county treasurer, and this man Lee made Stevens's bond for him, and manipulated the county funds and State funds. In January, 1876, after Stevens's and Lee's terms of office expired, this man Lee took about $35,000 of money from the treasury of Holmes County and carried it to Chicago, and traded it with one M. S. Baldwin for a tract of land in Michigan.

Q. Has he repaid it?—A. No, sir; he is in the Black Hills now. I think of asking for a requisition.

Q. Was he indicted?—A. He was indicted for embezzling the money and also for murder; he killed a negro there because he would not vote for his nomination.

Q. When was it that he killed the negro?—A. August 4, 1875. This man Lee, I will say, has been at the head of the republican party for several years in Holmes County; he and a young man by the name of Mills. I will explain right here now that, as I have just before stated, up to 1875 these men ruled our county. There was a man by the name of M. N. Holmes there, too, who was circuit clerk; he became ambitious, I suppose, and wanted to be the head of the party instead of Lee. An antagonism grew out of this thing, and Lee tried to get the republicans to nominate him and his faction, and Holmes tried to get them to nominate him and his faction.

Q. For what offices?—A. For the county offices; they picked out the best offices for themselves.

Q. When was this?—A. In 1875. Then they had a meeting over in the court-house; some kind of a convention they held over there. One of Lee's party, a man by the name of Mills, who was postmaster at Lexington, drew a pistol and shot down a couple of Holmes's negroes and killed them.

Q. Lee and Mills did?—A. Yes, sir.

Q. Growing out of strife in politics?—A. Among themselves; the republicans fell out and fought.

Q. Was an indictment found for that?—A. I had him indicted for murder. I will not say the republican grand jury failed to do it, but they did not have time to do it; they were indicted afterward.

Q. When did Lee leave the State?—A. January, 1876. Mills left January, 1876, and Holmes left January, 1876.

Q. Did Lee give any security for this money, or did he take it no under security?—A. He gave no security. When this dissension arose in their ranks among themselves, of course they fell an easy prey to the democrats. The negroes found out what sort of men they were at last.

Q. And you carried the election in 1875?—A. Yes, sir; the negroes voted the democratic ticket in 1875.

Q. What was the character of that election? Were the negroes intimidated, or was violence used toward them?—A. I can only speak of my knowledge.

Q. Give all your knowledge. Do you know of any such thing in the election of 1875?—A. I do not.

Q. Do you know whether or not they did act with the democrats, more or less of them?—A. I know they did.

Q. In the canvass were the misdoings of these men about the pecuniary affairs of your counties discussed?—A. Yes, sir. There is a very honest, good negro there who had worked and made some property. I suppose he was worth ten or fifteen thousand dollars, which he had accumulated himself. This man, Loverin, got him to go on his bond as tax-collector. Now there is a judgment against him as surety. Such things as that of course dissatisfied the negroes voting the republican ticket.

Q. How many of these county officers, who had been in up to January, 1856, left the State immediately?—A. All of them left my county. There is not one of them left.

Q. You have mentioned the county treasurer and his deputy, Lee?—A. The tax-collector, the circuit clerk, the sheriff, and members of the board of county supervisors.

Q. Were these officers theatened with violence, or did they leave for other causes?—A. They left because they did not have any money or anything else to live on there. Their offices were taken from them; they had lived on the people before.

Q. They were not driven away by violence or intimidation?—A. O, no, sir; so far as intimidation being exercised or attempted, or socially ostracising the negroes, it is simply ridiculous. The negro, as I understand, would have to be in society before he could be ostracised, and you may look around here in Washington and see whether he is not as much ostracised here as he is there. We never did take him into our houses. I believe something has been said here by a witness in regard to not employing them as laborers if they voted the republican ticket. In our State the great difficulty we have to contend with is the scarcity of labor. Our planters go to Alabama and Georgia every winter, and bring in hundreds of negroes. I know there are 250 working hands brought into our county by Colonel Richardson and General Miles, and other prominent large planters there.

Q. Labor is in demand?—A. Yes, sir; any negro can start out there with nothing except the clothes on his back, and get $10 a month. Anybody will employ him. Labor is scarce.

Q. What do you say in reference to whether the mass of the people there, democrats especially, took any ground against having supervisors appointed or not?—A. I never heard of it—only what I have heard on the stand here.

Q. You heard nothing of it at home?—A. Nothing whatever.

Q. You heard of no effort on our part to prevent fair men being appointed?—A. I know nothing about the matter.

Q. Did you ever hear any objection made in your clubs or public discussions or private consultations to its being done?—A. No, sir. I know that my partner and myself, as I said before, made out the list and sent it to Judge Swan.

Q. What is the state of feeling among your people, according to your knowledge and best information, as to being averse and hostile to having industrious men and men of capital from the North come there, or whether they favor their coming?—A. They want them to come, and they are treated as well as they are in any State. They want men of capital to come there, and invest and build up the country. We are all poor ourselves. A great deal of our land is lying out for want of capi-

tal and labor. I know of northern men who come there; of course they enter into society and business relations as well as those who are raised there.

Q. What do you know about the Canton affair? What means of knowledge have you? First, where is Canton?—A. Canton is in Madison County, one of my counties; I was there at court in October, 1876. There being, I suppose, a crowd of people at the court-house, General George C. McKee came up there to address them.

Q. To which party did he belong?—A. He was a republican.

By Mr. MITCHELL:

Q. When was this?—A. I think on the 7th of October, 1876; he came up there to make a speech, as it was understood. I met him before the court adjourned; I do not know of my knowledge that he was asked to divide the time, but I was told there by several prominent men that he was asked to divide the time with some of the democratic speakers, Colonel Luckett and others, which he refused to do. This I state as hearsay; I do not know it of my knowledge.

By Mr. KERNAN:

Q. On what business were you then at Canton?—A. As district attorney, attending the circuit court. General George C. McKee came up there; I saw him there before the speaking commenced and talked with him. About one o'clock, after the court had adjourned, General McKee took the stand to make a political speech, to about a hundred, I suppose, or perhaps one hundred and twenty-five persons, most of whom were colored. He was standing on the west steps of the court-house, or rather on the side of the steps, not in front. He had only made a few remarks; I do not think he had spoken over five or ten minutes, when a voice in the audience asked him to tell what had become of the money in the treasury, or something to that effect. I may not have the words, but that was the substance. He said, "Why, the democrats stole all the money before I ever came into the State." A voice—I know both the gentlemen; I think the two spoke about the same time; Mr. Devine and a young man by the name of Weathersby, the town marshal, standing in the audience, said "That's a lie." General McKee had a stick in his hand; I saw the stick. He raised the stick in this way, [illustrating,] and said, "You damned son of a bitch, you call me a liar? I will crack your head with a stick." Devine and Weathersby were approaching from the other side, and as they approached, McKee jumped down off the stand, with the stick in his hand. I think he said something about "no pistols;" at any rate, he said something; I was pretty close to him. There was a crowd all around. This man Weathersby had a walking stick in his hand, a heavy, crooked-handled walking stick. He commenced to hit McKee across the head, on the side of the head, and knocked him down. McKee was taken up and carried into the court-house, into the sheriff's office, by white men and colored men together. They sent for a doctor; I think Dr. Galloway was sent for, and McKee was cared for. I understand that General McKee says that some one pushed him off the steps from behind; I did not see that; I was looking beyond him to the voice; I did not see anybody push him off. However, it is possible that somebody might have given him a push, and pushed him off the stand; but I did not see that.

Q. Stand or steps?—A. I call it a stand. It was a step about five feet high, I suppose, where he was standing, an abutment of the steps.

Q. What was the expression he used just before he went off?—A. When he said the democrats had stolen all the money out of the treas-

nry before he came to the State, or words to that effect, Mr. Devine said "That's a lie," and then McKee flourished his stick and said, "You damned son of a bitch, you come up here and call me a liar; I will crack you in the head with a stick." About that time they walked toward him, and he either jumped off the steps or was pushed off. I never saw anybody push him.

Q. And there they came together?—A. There they came together.

Q. Had he a stick?—A. He had a stick. It had an iron rod running through it. I picked up the stick.

Q. In what position did he hold the stick in his hand?—A. He had the stick by the small end. As I said, it had a rod running through it. It had either a leaden or iron end to it.

Q. He had it by the small end?—A. Yes, sir; held it by the small end.

Q. Was there more than one blow struck by any one?—A. Only one.

Q. Was there any other violence at this meeting?—A. No; that was all the violence. I believe some other speakers were called on to make speeches, and they did so. There is a colored man named Phil. Saunders who was called on to speak. He got up and made a speech of about half an hour or hour's length.

Q. Was Saunders a republican speaker?—A. He said he was an independent in that speech; he said he was not going to say who he was going to vote for, except for Colonel Singleton. He was going to vote for him.

Q. McKee was a republican, I understand?—A. He was a republican.

Q. The meeting was then continued and those men spoke? Did any body else speak?—A. Several spoke. Colonel Luckett spoke.

Q. Which side did he speak on?—A. He was a democrat.

Q. Who else? Do you remember?—A. I do not remember any others.

Q. Did the meeting disperse at all?—A. No, sir.

Q. How seriously was Mr. McKee injured?—A. He went home the next morning on the train. It was just a blow on the side of the head.

Q. Nothing that laid him up?—A. Nothing that laid him up.

Q. Describe anything else about that meeting.—A. Dr. Galloway, the physician—I can state what he said that Mr. McKee said, but I suppose that is not evidence.

Mr. MITCHELL. No; that would not be evidence.

Mr. KERNAN. I have so insisted, but have not been very successful. (To the witness.) How long before the election was this?—A. A month before the election.

By Mr. KERNAN:

Q. Was the sheriff of the county there?—A. I was sitting by the sheriff, Mr. Ross, when the difficulty commenced.

Q. Is he a republican or democrat?—A. He is a republican. Just while McKee was speaking he turned to me and said, "That is no way for a man to speak in this country. He must appeal to the sensible white men, intelligent men." Mr. Ross said that to me, not to McKee.

Q. Speaking of what McKee said?—A. Yes, sir.

Q. Now, do you know whether Mr. McKee was excited or not?—A. He did not appear to be angry or mad.

Q. Did any one there call attention to whether he had been drinking or not?—A. I cannot say anything about that; I do not know.

Q. When did this occur?—A. In 1876.

Q. Was there any other violence you saw in 1876?—A. I know of no other.

Q. And it did not produce any riot among the crowd?—A. No, sir.

Q. Or any great excitement?—A. It seemed to be a personal difficulty, just as I have described it.

Q. That was all the violence that you witnessed or know of in 1876?—A. Yes, sir.

Q. In 1875 state how it was.—A. In 1875 I prosecuted three republicans for assaulting a colored man for voting the democratic ticket.

Q. In what county?—A. In Holmes County; and I know of two others who were prosecuted and convicted. If you want the names, I will give them. The evidence elicited in that case was that a colored man had voted the democratic ticket at the election in 1875, and several days after the election he was going along the road and met a squad of republicans, colored men——

Q. How many?—A. There were five in the crowd; but only three participated.

Q. What did they do to him?—A. They took him off his mule, the evidence was, and beat him with the handle of a whip.

Q. What did the evidence disclose that they did this for?

Mr. MITCHELL. I object to this.

Mr. KERNAN. This is sworn evidence, and I think I have a right to it.

Mr. MITCHELL. Go on.

A. The evidence disclosed that as soon as they saw him they questioned him and said, "That's the old rascal who had voted the democratic ticket; let's whip him, boys;" and they pulled him off the mule he was riding, and I think they pulled his pants down and switched him. That was the evidence.

By Mr. KERNAN:

Q. How old a man was he?—A. An old man; over 60.

Q. Three of them did it?—A. Yes, sir.

Q. Was there another case?—A. Yes, sir.

Q. Where was this?—A. In Holmes County.

Q. Where was the other?—A. In Holmes County, the county I live in, at a small town where a colored man who had voted the democratic ticket, about twenty-five years old, was assaulted.

Q. By how many?—A. There were two in this affair.

Q. Where did they meet him, according to the evidence?—A. At his house. The evidence was that they came there.

Q. After the election?—A. After the election; and told him that he had voted the democratic ticket, and they were going to kill him for it.

Q. What did they do?—A. After they had assaulted him, and I think he defended himself pretty well, one of them went so far as to hit him with an ax. The one who did not assault him with an ax was fined by a justice of the peace, and the other was bound over for his appearance to the circuit court to answer the graver charge of felony, making an assault with a deadly weapon with intent to kill.

Q. Did they injure him?—A. Yes; his arm was injured. He had it in a sling.

Q. What did they state to him?—A. They said he had voted the democratic ticket, and they were going to kill him for it.

Q. Do you know of any other specific instances where there were these attacks?—A. I know that there were two democratic colored men who joined a democratic club at Richland.

Q. In what year?—A. In 1875; this was before the election. As they were going home that night, after joining the club, they were fired on by some one in ambush on the road. I do not know who they were or anything about it. But they had joined the democratic club that night and were on their way home, and were fired on.

Q. Was either of them injured or hit?—A. No, sir.

Q. Did they know who fired upon them?—A. They suspected some parties and had them arrested. I do not know what has become of the case.

Q. Any other particular instance?—A. I will state in connection with the killing of these two negroes in the court-house by Lee and Mills, that such an antagonism grew out of these two factions toward each other, that this man Holmes, who was trying to lead his party, went up to his room and staid there about six weeks and would not come out for fear that Lee and Mills would kill him. Lee had knocked him down on the streets and assaulted him and used him very badly, and he wrote a note to democrats, the white people there, to protect him. This man Holmes, when he was besieged by the other republicans——.

Q. Was Holmes a colored man?—A. No; a white man.

Q. Were the others white men?—A. Yes, sir.

Q. They were all republicans?—A. All republicans; and this grew out of the fight among themselves for the county nominations.

Q. What year was that?—A. 1875. When this man Holmes was besieged there in his rooms he wrote a note to Mr. Gwin, Mr. Hooker, Judge Drennan, and myself.

By Mr. MITCHELL:

Q. Do you know this of your own knowledge?—A. Yes, sir, I do. I went up there. He wrote a note to us to come up to his room. Several of the gentlemen went. I know Judge Drennan and Mr. Gwin and Dr. Dorton and myself went up to see Mr. Holmes. He said that he was afraid of Lee and Mills, and he wanted us to protect him. We told him that we were not officers, had nothing to do with the law, and could only guarantee that they should not hurt him when we could help it in any way, but we could not guarantee protection to him. After the conference with us we advised him that he had better get out of the way and not bring on a riot there; that if he and Lee had a fight among themselves they would probably draw the people into it, as there was some talk of lynching Lee and Mills for shooting these negroes in the court-house, by the negroes, and the negroes became angry and said they were going to burn down the town because this had been done, and we did not want to be dragged into the difficulty in that way.

By Mr. KERNAN:

Q. They had been shot in this republican convention, all republicans being there?—A. Yes, sir.

Q. Did the democrats have anything to do in any way with that convention?—A. Nothing whatever, except as spectators. There were about fifteen or twenty shots fired in the court-house.

Q. If you can give any information as to what occurred in the elections of 1875 or 1876, in reference to threats held out against the colored men who should vote the democratic ticket, state what knowledge you have on that subject.—A. Only the cases I have mentioned I know personally.

Q. Do you know generally whether there was such?—A. I have

heard of it; I read it in the newspapers; it was charged everywhere; and I think the democratic clubs passed resolutions generally that they would protect their colored members as far as the law allowed.

Q. Were threats made against the colored men who should vote the democratic ticket in the public press, or were there accounts in the public press of their being threatened?—A. There were accounts frequently in the press; and I know that our club passed a resolution that they would protect any colored man who joined the democratic club from violence at the hands of any one, and I think that resolution was pretty generally passed in all the clubs. We thought it necessary. I had occasion to prosecute only the two cases I have mentioned.

Q. What do you say as to what was the reason why colored men in 1875 and 1876 left the republicans and voted with the democrats, whether intimidation by the democrats was the cause or something else?—A. The same that I have told you is the reason. These men who had been in power there had prostituted the offices that they had been elected to fill, and when they fell out among themselves and fought, the negroes quit them, and just said they would not go with them any longer; that they wanted to elect good men, men who lived there and who were identified with the people.

Q. What do you say as to the election of 1876, according to your knowledge and information and judgment; was it a free and fair election, or was there fraud or intimidation?—A. It was free and fair.

Q. How was it in 1875, so far as the democrats were concerned? Did they use intimidation then?—A. I know of none.

By Mr. MITCHELL:

Q. You say that there was a free and fair election, both in 1875 and 1876?—A. So far as I know.

Q. Will you specify the counties in your district?—A. Holmes, Yazoo, Madison, Leake, and Attala.

Q. Was the election in 1875, in your judgment, in those counties, and the State generally, as free and as secure as the election in 1876?—A. So far as I know.

Q. You would not make any difference as to the character of the two elections?—A. I have told you all that I know about it.

Q. You would not make any difference then?—A. No, sir.

Q. You know of no intimidation?—A. I know of none in 1875, and none in 1876.

Q. I will ask you if you were not yourself indicted in the United States district court for the southern district of Mississippi for acts of intimidation in Mississippi?—A. Yes, sir, I was. I intended to tell Senator Kernan about that, but it escaped me. I was in the United States court at Jackson.

By Mr. KERNAN:

Q. What year?—A. 1875.

By Mr. MITCHELL:

Q. What for?—A. Intimidation; intimidating one Nathan Wilson, colored.

Q. When was that indictment found?—A. In November, right after the election of 1875.

Q. Now, then, you referred to those persons registering and you say you never heard of any refusal of registering?—A. No, sir.

Q. What means of personal knowledge had you?—A. I only saw them registering once. I went there and registered myself.

Q. When was that?—A. That was in October.

Q. At the county-seat of Holmes County?—A. Yes, sir.

Q. How long did you remain there?—A. Only a few moments, perhaps five minutes.

Q. You went and registered and then went about your business?—A. I went and took three colored men, and my father went with me at the time.

Q. You registered and went away?—A. Yes, sir.

Q. You did not remain during the day to see whether there was a fair registration or not?—A. No, sir.

Q. Aside from the time you were there, had you any other way of knowing?—A. From the character of the men who had charge of the registration, I believe there was a fair registration.

Q But you have no personal knowledge?—A. No, sir.

Q. These county boards are appointed by the State board of registration?—A. Yes, sir.

Q. Two democrats and one republican?—A. Yes, sir.

Q. They selected them all?—A. Yes, sir.

Q. Do you know who the republican was in your county?—A. Yes, sir; Isaac Crawford.

Q. A colored man?—A. Yes, sir; and a minister of the gospel.

Q. Now, you say you addressed meetings through your district?—A. No, sir; not in my district. I only made some political speeches in Holmes County.

Q. Were you outside of Holmes County during the campaign?—A. Yes, sir; I was at my courts.

Q. Did you make any speeches outside of Holmes County?—A. I believe I made one speech at a club-meeting in Canton.

Q. When was that?—A. In October.

Q. What county was that in?—A. Madison County.

Q. Who was Mr. Trueheart?—A. He is an ex-member of the legislature.

Q. Is he a republican?—A. Yes, sir.

Q. An active republican?—A. Yes, sir.

Q. Do you know whom he voted for at the last election?—A. I do not know.

Q. Is Colonel Singleton from that district?—A. Yes, sir.

Q. He was elected to Congress?—A. Yes, sir, by about 14,000 majority.

Q. Did Trueheart vote for him?—A. I do not know.

Q. You heard him say it was a fair election?—A. Yes, sir.

Q. Where?—A. He was at my office just after the election.

Q. How often have you heard him say that?—A. Several times.

Q. More than once?—A. Yes, sir; he is at my office quite often.

Q. Are you certain about his saying it more than once?—A. O, yes.

Q. Who was present?—A. I suppose my partner, Mr. Hooker.

Q. What did he say?—A. He said he never saw a fairer election anywhere.

Q. How did he come to say that?—A. We were talking about the election.

Q. What election did he speak of?—A. The election there.

Q. The election in his precinct, or all over the State?—A. In his precinct, of course. I will tell you another instance of a republican, Anderson Clark. He was returning-officer, and brought the ballot-box back to the court-house—returning-officer at Emery polling-place.

Q. How many people voted there, do you know?—A. I do not know; perhaps a hundred.

Q. How does the vote stand there?—A. I do not know. It is a small voting-precinct; one hundred, perhaps.

Q. How did that precinct go?—A. Democratic.

Q. Unanimously?—A. No, sir.

Q. Well, how did it stand?—A. About 40 to 60; about that, I think.

Q. How is it at your precinct?—A. About 750; about 550 democrats and 200 republicans, I think.

Q. What was the democratic vote in Holmes County in 1876?—A. About 1,464.

Q. How was it in 1875?—A. About 1,400.

Q. How was it before that?—A. They had no election the year before.

Q. How was it in 1872?—A. About 1,500 republican in 1872.

Q. Yazoo County is in your district?—A. Yes, sir.

Q. What was the republican majority in 1872?—A. About 2,000, I think, in 1872.

Q. How did the vote stand there in 1875, before the attack; about what was the total vote there, do you know?—A. About 4,200, all told.

Q. And the republican majorty was what in 1875?—A. Only seven republican votes were polled in the county.

By Mr. KERNAN:

Q. In 1875?—A. In 1875.

By Mr. MITCHELL:

Q. And about 4,200 votes were polled?—A. Yes, sir, about that.

Q. And about 4,175 democratic votes?—A. Yes, sir; about that.

Q. In 1876, how did the vote stand in that county?—A. Two republican votes in that county.

Q. Do you mean to say that, in 1876, out of a vote of 3,700 there were only two republican votes cast?—A. So I hear it stated.

Q. What do you know personally?—A. That is what I saw stated in the papers.

Q. Now, in Madison County, in 1872, what was the republican majority?—A. I do not remember how that was. I know it was republican.

Q. How did the vote stand there at the last election?—A. I do not remember. There are other witnesses here that know about that better than I do. I cannot think of it now. If it were suggested to me I might recollect it.

Q. Do you not know that the republican majority has been about two thousand?—A. I think so.

Q. And that at the last election the republicans polled but thirteen votes in the county?—A. About that, I think; I do not remember exactly.

Q. Now, then, in the county of Yazoo, where the republican majority has been heretofore about two thousand, and in Madison County, where the republican majority has been about the same, you say that in Yazoo, there were but two republican votes cast and but thirteen in Madison County. Do you mean to say that the change in these two counties has been wrought by a voluntary change of individual votes?—A. Certainly, I do.

Q. You state that positively, do you?—A. Yes, sir, I do.

Q. I will also ask you if this feud spoken of as having existed in

Holmes County between the Lees and the Holmeses and the Millses was not healed up long prior to the last election?—A. Why, they both had run off at that time. Holmes was indicted for embezzling, and Mills had gone to the Black Hills.

Q. In speaking of the feud between the two factions, I do not refer to the feud between those two men; but I ask if the feud between the two factions was not healed up?—A. Yes, sir. But you do not understand that with the negroes down there, the way the majority goes they all go. The feud is between the republican leaders. That is the reason they all go democratic now.

Q. On which side, as between Lee and Holmes, was the majority?—A. On Holmes's side. Lee kept him up there and would not let him get out at all.

Q. And you mean to testify that the difficulty between those two men was principally the cause of the great change?—A. Yes, sir.

Q. What was the matter, that they had embezzled, or the fact that they had a personal difficulty; which was it that caused the change in the sentiment?—A. Both, I suppose. Lee had control until that time, and he did not want to give up the leadership, and Holmes was about to supersede him.

Q. You say that one or two State officials were charged with embezzling money?—A. Yes, sir, three of them.

Q. Did you ever hear of any democratic officials being charged with embezzling money?—A. I cannot call to mind any now.

Q. Do you not know that the records show that during the ten years intervening between 1835 and 1845 there were ——?—A. That was before I was born.

Q. Do you not know that a single democratic treasurer, named Haynes, fled the State, owing $61,962.38?—A. As a matter of history, I do.

Q. When was it?—A. I do not know. I just know it exists.

Q. It was when the democrats were in power?—A. Yes, sir.

Q. Do you not know also that between the years 1840 and 1850 two of the State tax-collectors were defaulters?—A. I do not know from my own knowledge.

Q. Do you not know it as a matter of history?—A. No, sir; I never looked that up.

Q. Did these individual instances of embezzlement upon the part of democratic officials in your State create a revolution similar to the one you say was created by the embezzlement of one or two corrupt officials in the republican party?—A. I do not know; I was not there.

Q. Do you not know it as a matter of history?—A. I only know it as tradition. My father was an old-line whig.

Q. He was not very successful politically, was he?—A. No, sir, not very.

Q. Do you not know that a democratic treasurer of Yazoo County within the past eighteen months has become a defaulter and fled the State?—A. I know that money was stolen from the vaults. This treasurer was as good a man as ever lived. About $28,000 was taken.

Q. Who was he?—A. Judge R. B. Hayes.

Q. He is a democrat?—A. Yes, sir.

Q. Has he left the county and gone to Texas?—A. I guess not. I saw him there about three weeks ago.

Q. Did you indict him?—A. No, sir.

Q. Did you investigate the matter?—A. It was investigated thoroughly.

Q. But the fact was about $28,000 got out of the safe in some way and did not get back again?—A. Yes, sir; it is a conceded fact that it was stolen.

Q. From what fund was it stolen?—A. The school-fund. It was all the money that was in the treasury.

By Mr. KERNAN:

Q. It was stolen from the safe?—A. Yes, sir. The keys were secured in some way to unlock it.

By Mr. MITCHELL:

Q. Under whose administration had this school-fund accumulated?—A. I am unable to say. I know it was his first night in office. The outgoing treasurer paid it to him in the morning, and that night it was stolen from the vault.

Q. Do you not know that Graves before he left ruined the treasury of the State of Mississippi, by receiving into the vault about $302,955.95 of worthless Brandon Bank notes, notes of insolvent railroads, &c.?—A. In 1845?

Q. It was when he left the State?—A. I do not know it.

Q. Do you not know it as a matter of history?—A. I do not know it.

Q. You had another treasurer in 1866, Mr. Haynes?—A. Yes, sir; he was treasurer.

Q. Do you not know that he was a defaulter?—A. It may be; I do not know.

Mr. KERNAN. I object.

Mr. MITCHELL. The object of asking these questions is this: The witness stated the fact that one or two republicans were guilty of embezzlement—revolutionized the sentiment of the State. I am asking whether democratic embezzlements produced the same effect.

Mr. KERNAN. He says these people had up to that time embezzled public money, and that is more apposite to the question.

Q. (By Mr. MITCHELL.) Do you not know as a matter of history that under democratic rule in the State of Mississippi, from the first day of January, 1838, to January, 1842, the State had passed from having in its treasury $279,613.31 in cash to the condition of a bankrupt debtor, owing eight millions of dollars?—A. I only know it by reading of it.

Q. You understand that to be the history of that period?—A. Yes, sir.

Q. Now, I understand you to say that the defalcations of these men in Holmes County were one great cause of the change of sentiment in 1875?—A. The negroes, of course, were enraged at Lee and Mills for killing two of their number.

Q. Do you not know that it is a fact these alleged defalcations were not known until after the election of 1875?—A. I do not pretend to say that that was known, but the fuss was known.

Q. Then these defalcations were not known?—A. No, sir; but Holmes was indicted for embezzling, in 1874 or 1875, from a newspaper with which he had some connection.

By Mr. TELLER:

Q. That was not a public defalcation?—A. No, sir.

By Mr. MITCHELL:

Q. The republicans stood by Holmes, did they not?—A. Yes, sir; I stated that.

By Mr. TELLER:

Q. All of them pretty much?—A. Lee had a very few followers.

By Mr. MITCHELL:

Q. You stated a moment ago that the negroes generally went with the majority?—A. Yes, sir.

Q. Holmes had a majority with him?—A. Yes, sir.

Q. Did the democrats take any part in this controversy?—A. No, sir; they stood off and looked on.

Q. Do you not know that the democrats encouraged Lee?—A. No, sir; they indicted him for murder.

Q. Did not the democrats encourage this controversy between Lee and Holmes?—A. In what way?

Q. Did they not encourage it?—A. I suppose they were glad of it.

Q. How was it with yourself?—A. I was glad of it.

Q. Did you not urge it on?—A. No, sir; I told him I would do the best I could for him when the case came up.

By Mr. TELLER:

Q. But you advised him to leave the country?—A. Yes, sir.

By Mr. MITCHELL:

Q. Were not the bondsmen of these men democrats?—A. Some of them were.

Q. Was it not generally understood that they profited more by that money that was stolen than the person charged with the theft?—A. The only money that was stolen was carried off by Lee to Chicago, and then he went off to the Black Hills.

Q. You do not know that of your own knowledge?—A. Yes, sir; I do.

Q. How do you know it?—A. Because a man by the name of Baldwin bought them there in Chicago, and brought the bonds down to have them registered, when they were stolen.

Q. What became of this indictment against the man in Chicago?—A. It is there on file.

Q. Did you arrest him?—A. No, sir; we could not arrest him. It was found after he had left.

Q. You spoke of a northern man who came down there, and said they could not tack on to such a party; who were they?—A. H. F. Willis and his father.

Q. When did he come there?—A. In 1870.

Q. What ticket did he vote?—A. He voted the republican ticket. He voted the democratic ticket at the last election.

Q. When was it he said he never saw a fairer election?—A. Well, sir, I heard him say that. He was bookkeeper for M. D. Whiteman.

Q. He voted for General Singleton for Congress, did he not?—A. I reckon he did; but I do not know.

Q. Were you present at the time this fight took place?—A. I was in my office, and heard the report of guns and pistols, and I ran over there.

Q. Did you know what the object of the meeting was?—A. It was a republican meeting. For some purpose Lee held his convention in the court-house, and Holmes and his friends had to go out into the woods.

Q. You were not there?—A. As soon as I heard the shooting, I went over to the court house. I ran over there and saw one negro with about five bullet-holes through him. I suppose there were fifteen or twenty shots fired.

Q. When was that?—A. About the 4th of August, 1875.

Q. About the affair at Canton; you attended that meeting?—A. Yes, sir.

Q. About the 7th of October last?—A. Yes sir, that was the day.

Q. Was that meeting had as a republican meeting?—A. I do not know.

Q. Do you not know it was?—A. I cannot say. I only knew that General McKee was to speak.

Q. General McKee was one of the candidates for elector at large?—A. Yes sir.

Q. How many were there at the meeting?—A. About one hundred.

Q. Mostly colored people?—A. Yes, sir, mostly; about twenty five whites.

Q. Did you know McKee?—A. I was introduced to him.

Q. He was a candidate for presidential elector?—A. Yes, sir.

Q. You say that he took the stand to speak—on the steps?—A. Yes, sir, on the steps.

Q. What did he say?—A. Of course he charged the democratic party with being a bad party and said that the republicans were the good party, like any other politician on his side would say.

Q. Had he said anything that was insulting to any person?—A. No, sir, he had not.

Q. He was starting in to try to make a political speech?—A. Yes, sir.

Q. How many minutes was it until he was interrupted?—A. About five or ten minutes.

Q. Then he was interrupted by a Mr. Devine, was he?—A. Yes, sir.

Q. Where was Mr. Devine?—A. Perhaps twenty steps off.

Q. Was he sitting?—A. They were all standing.

Q. Was the crowd orderly up to that time?—A. Yes, sir; only when they were laughing at something funny that was said.

Q. What was the cause of the trouble?—A. A voice asked McKee what had become of all the funds in the treasury.

Q. This was Devine, was it?—A. I do not know; it was a voice.

Q. What did McKee say?—A. He said, "Lord, the democrats stole all the money out of the treasury before I came into the State."

Q. Did he say that in an angry manner, or did he just respond to an interruption, as any speaker might, in rather a playful manner?—A. Well, I do not know.

Q. Was it not rather a jocose response to the interruption?—A. He might have intended it so.

Q. Could you not see from his manner that it was so?—A. You can take it so. I did not consider him angry.

Q. He had no arms in his hands?—A. Nothing but that stick; he had in his hand a loaded cane. He had his hat on and that cane in his hand.

Q. Nothing unusual in that, was there?—A. No, sir.

Q. What was the next thing said by him?—A. Devine said, "That was a lie."

Q. Did he say, "That was a lie" or "You are a liar?"—A. The effect was the same.

Q. He gave him the lie?—A. Yes, sir. And he said, "You d——d son of a b——h, you talk that way to me and I will crack you on the head."

Q. What did Devine and this man—what is his name?—A. Weathersby.

Q. What did he say?—A. Well, when he said that, he approached him.

Q. And about how far were Weathersby and Devine from McKee at the time Devine told McKee he was a liar?—A. About twenty steps.

Q. Did not they advance at once upon McKee?—A. Yes, sir.

Q. Did McKee remain on the stand?—A. No, sir.

Q. How long did he remain there?—A. Well, not at all, hardly. He was knocked down about five steps from the stand, I suppose.

Q. Was he hit by Weathersby before he left the stand?—A. Yes, sir.

Q. I understand he remained on the stand and Weathersby advanced and hit him on the head and knocked him off?—A. No, sir; as to whether he was knocked off or whether he was pushed off I couldn't say; about that time he went off the abutment.

Q. Do you not know that he was pushed off?—A. No, sir; but I understand he said so.

Q. Did he fall off?—A. No; he was not on his feet.

Q. Which one of the men was it knocked him down?—A. Weathersby.

Q. What with?—A. A walking-stick.

Q. Was it heavy?—A. Yes, sir.

Q. Where did he hit him?—A. On the head.

Q. Did he cut him?—A. I think he drew some blood.

Q. Where was Devine?—A. He was there.

Q. Did he knock him senseless?—A. Yes, sir.

Q. And, that being done, McKee was carried from the grounds into the court-house, and the democracy took possession of the meeting and had democratic speaking?—A. Well, the crowd was there, and, just like any other gathering, men were called on.

Q. Did any republicans speak?—A. No, sir.

Q. But several democrats did speak?—A. Colonel Luckett and Phil. Saunders.

Q. Luckett was a democrat?—A. Yes, sir.

Q. Saunders was a democrat?—A. Yes, sir.

Q. What did he say?—A. Well, he went on to make a speech.

Q. A good democratic speech?—A. A good independent speech. He made a speech for Singleton for Congress.

Q. You regard him as a good democrat, do you not?—A. Yes, sir.

Q. What position does Weathersby hold?—A. I do not know.

Q. What is Devine's business?—A. I think he is a merchant.

Q. A democrat?—A. O, yes; he is a democrat.

Q. Do not you know that General McKee was taken that evening to the post-office?—A. How do I know where he was taken?

Q. Do you not know, as a matter of report and hearsay?—A. Yes, sir.

Q. Do you not know that the court-house was fired on by democrats?—A. I will say this, that I went to the post-office the next morning, and there was a bullet-hole through the side of the wall. As to who made it I cannot say.

Q. Do you not know, as a matter of history, that there were several shots fired on the post-office that night?—A. I heard so.

Q. Do you not know that it was assaulted with brickbats?—A. I was told so.

Q. And do you not know that several persons were wounded?—A. Well, I heard that one person was wounded. Will Pratt said a bullet that came through this wall struck an iron safe and flew off and struck him.

Q. Do you know who assaulted this office?—A. No, sir; I do not know.

Q. I will ask you now what you know about the drum-heads of the colored men being broken open?—A. I do not know—I do not remember anything about it.

Q. What do you know about the military organizations in your district in the year 1875? Do you know the Canton Mail?—A. Yes, sir.

Q. I will ask you if this account did not appear in the Canton Mail next morning:

Some lawless persons, we do not know who, (and are glad we do not know,) about midnight, last Saturday night, went to the northeast corner of Court Square and fired several shots into the room of T. B. Pratt, esq., over the post-office. Several parties were in the room at the time, and one of the bullets, after crashing through the weather-boarding and plastering, struck an iron safe. A fragment from this bullet struck Mark Josephs on the cheek, but fortunately did no great injury, though Mr. J. bled profusely. This lawlessness is very properly condemned by all good citizens of our town.

A. That was a democratic paper. I say now that was a villainous affair.

Q. Now I was going to ask you about the military organizations in 1875.—A. Well, sir, we had a club, a democratic club, organized, and had officers elected.

Q. Were you an officer?—A. No, sir; I was a high private.

Q. Describe that organization.—A. It was just like any other organization.

Q. Had a captain?—A. Yes, sir.

Q. And lieutenants?—A. Yes, sir; lieutenants.

Q. Did you drill?—A. Yes, sir; two or three times.

Q. Did you have arms?—A. Some of them had and some had not.

Q. Was this a military organization or a political organization?—A. We tendered ourselves to Governor Ames as a military organization, wrote him a letter and told him that we were there to keep the peace.

Q. Were you a military organization entirely, or political also?—A. There were old men in this club who did not belong to this company.

Q. Did you meet in a room and have talks, and do your business there generally?—A. We met in the court-house.

Q. Who would preside then?—A. The captain.

Q. Would you transact political business?—A. No, sir; only just as I have said; that we wrote to the governor that we were organized and ready to obey his commands.

Q. You called this a democratic club?—A. Well, the same men that belonged to one belonged to the other.

Q. It was solely composed of democrats?—A. Yes, sir; I suppose so.

Q. Was anybody besides a democrat allowed to belong to it?—A. No, sir. Some colored men belonged to it.

Q. How did they vote?—A. Some voted the democratic ticket and some the republican ticket, I guess.

Q. When was it abandoned?—A. Abandoned just after the election. I do not suppose we held another meeting after November, 1875.

Q. What kind of arms did you have?—A. Some of them had Winchester rifles, and some of them shot-guns.

Q. This was the regular militia organization?—A. Yes, sir; I think it was organized under the law of the State, or intended to be.

Q. Are you certain of that?—A. I am. I am certain we offered our services to the governor.

Q. What was the name of your company?—A. It had no name.

Q. Were your officers commissioned by the governor?—A. No, sir.

Q. Then it was not an organization under your militia law, was it?—A. I do not know about our militia law.

Q. You are a lawyer, a prosecuting attorney, a high private of this company, you say. Now, I want to know whether this was an organization under the State law, or merely voluntary.—A. Voluntary.

Q. What was the object of your organization?—A. To preserve the peace. There was a great deal of excitement, and the negroes had threatened to burn the town because Lee and Mills had shot men at the court-house.

Q. When was this company organized?—A. Late in the fall, before the election.

Q. How long before?—A. I cannot say now.

Q. Who was your colonel?—A. Col. J. D. Macabee.

Q. Did you go outside of the town for men?—A. Some young men from the country came in and joined.

Q. Did you hold any meetings outside of the town?—A. No, sir.

Q. I want to know if you transacted political business when you met, or only as a company?—A. I do not remember whether we did or not.

Q. You do not remember?—A. How do you mean "political business?" Do you mean organize like a club would do?

Q. Did you transact any business having reference to your political matters in your county?—A. I do not know.

Q. Do you not know that they did?—A. I do not remember that they did. I do not think we were at but one or two meetings.

Q. What did you do?—A. Well, we met there and organized, talked about uniform, and something of that sort.

Q. The captain was the chairman?—A. Yes, sir; the captain was the chairman.

Q. Do you not know that the great purpose was to control the politics of that county?—A. No, sir; it was for self-protection; the sheriff was powerless; there had been a riot at Clinton, men killed all over the State, and we wanted to protect ourselves.

Q. Was not your company organized before the Clinton riot?—A. No, sir; it was after, I know.

Q. You are certain it was organized after the Clinton riot?—A. Yes, sir.

Q. What day was it organized?—A. I do not know the date, but it was after that.

Q. What was the date of the Clinton riot?—A. Well, sir, I have heard these things and I know it was one reason for the organization.

Q. Was it before the Vicksburgh riot?—A. O, no, sir; that was a year before the Clinton riot.

Q. Was it not composed entirely of democrats?—A. I say the democrats composed it.

Q. What do you mean?—A. I mean this, that those men who belonged to the club belonged to this company.

Q. All of them?—A. No; the old men did not belong to it.

Q. Where did this club meet?—A. At the court-house.

Q. Where did the military company meet?—A. At the same place.

Q. Who presided at these meetings?—A. The captain.

Q. Presided at both meetings?—A. No, sir; a man by the name of T. W. Smith was chairman of the club.

Q. How many companies were organized?—A. Only this one, that I know of.

Q. Do you not know that there were others?—A. I do not know it.

Q. You say some of the old men who belonged to the club did not belong to the military organization?—A. No, sir.

Q. Why?—A. I suppose they did not want to go out over the country, for the same reason that old men do not join the army, I suppose—too feeble.

Q. Where did you get your arms?—A. Those who had arms I suppose bought them there in stores. Some sent to New Orleans for them.

By Mr. KERNAN:

Q. They belonged to the individuals?—A. Yes, sir; each man paid for them.

By Mr. MITCHELL:

Q. What do you know about Mr. Morgan, the republican sheriff in Yazoo County?—A. I do not know anything about him; he was pointed out to me in this room to-day; I do not see him now.

Q. Was not he driven out?—A. I do not know.

Q. Do you not know by common report that he was driven out?—A. I do not know; I know he left there; I do not know anything of the campaign in Yazoo.

Q. Do you not know as a matter of history that he was compelled to leave that county, and Governor Ames was going to aid him, and certain meetings were held at Durant, Vaughn's Station, &c.?—A. I have heard of such things; I do not know them of my own knowledge.

Q. Do you know anything about the circumstances of Mr. Morgan leaving Yazoo County?—A. I do not know anything whatever. You can read that in the papers.

Q. I propose to read what purports to be a report in a democratic newspaper.

Mr. KERNAN. What is the date and what the paper?

Mr. MITCHELL. The Yazoo Democrat, during the month of October, 1875.

Mr. Kernan objected to the reading of the account.

(Objection overruled.)

Mr. MITCHELL. The account in this paper, of the date October 22, 1875, is:

The white-line army.—Nine hundred riflemen eager for the fray.—Vaughn Station chosen as the Golgotha—The bloody ground.

Last Monday evening, the startling announcement flashed over the wires to this place from Jackson, that A. F. Morgan would leave that city, by special train, for Vaughn's Station, with a white and negro militia company, for the purpose of invading Yazoo County, and re-instating himself as sheriff.

A county meeting was immediately called to take such steps as were necessary to meet the emergency. The meeting was held at 8 o'clock on Tuesday morning, in the spacious cotton-shed at the landing. Of its proceedings it is unnecessary to speak. The determination depicted upon every countenance showed, conclusively, the one sentiment of our people.

At 11 o'clock on that day, a company of thirty-five men left our city, commanded by the intrepid Capt. Henry M. Dixon. (The company was greatly augmented after it left.) This company was joined at Benton by Capt. H. S. Taylor and his gallant boys: Dr. B. R. Holmes's Dover and neighborhood company; Capt. Jesse E. Bell's Satartia company, commanded by Captain Johnson; Capt Sam. Griffin's Piney and Teheva Creek company; Captains Smith and Stubblefields' Benton companies, and Captain Mitchell's Deasonville—as brave a regiment as ever met an enemy—all under the command of that gallant and experienced soldier, Capt. H. S. Taylor.

The companies were distributed as follows:

Captain Dixon's command, then numbering fifty, was ordered immediately to Vaughn's Station, as an advance guard, and reached their destination about twilight. They were reenforced early Wednesday morning by Dr. Holmes's company of fifty men.

Captain Mitchell's company was stationed at Deasonville. The balance of the command

rested at Benton ; the whole numbering between eight and nine hundred men, all mounted and variously armed.

Headquarters were established at Deasonville, with couriers at proper stations.

Drs. J. P. McCormack and J. D. Burch, surgeons of this city, were at the stations with Captain Dixon's company ; Dr. R. C. Henderson at Deasonville, and J. W. C. Smith at Benton.

Never was a command more properly distributed, under better control, and more eager for the fray, than those brave and gallant men, last Tuesday night and Wednesday. And we venture the opinion that, had Morgan and his invaders attempted a landing in our county, Vaughn's Station would have been known in the future annals of Mississippi as the bloody ground.

(To the witness :) Do you, Mr. Wilson, know about that ?—A. I do not know ; I had read that.

Q. In a democratic paper ?—A. Yes, sir.

Q. Do you not know, as a matter of history, that Mr. Morgan was the sheriff of Yazoo County, and that he had been shot at and driven out of the county, and that this meeting of these military companies or democratic clubs, whatever they were, were assembled simply in anticipation of his return ; that the report that he had returned had been circulated——

By Mr. KERNAN :

Q. Do you know anything about it ?—A. No, sir.

By Mr. MITCHELL :

Q. You say you drilled ?—A. We drilled about three times.

Q. Carried arms ?—A. Some of them had arms, as I stated ; others had not.

Q. Who did you say was captain of your company ?—A. Colonel Macabee.

Q. Do you know Colonel Griffin ?—A. No, sir.

Q. Do you know what he had to do with these organizations ?—A. I do not. He lived in Yazoo County ; not in mine.

Q. Were you the prosecuting attorney of this district at the time of this Canton affair ?—A. I was.

Q. Has there been any investigation made of that ?—A. No, sir; the grand jury had adjourned, I think. Court commenced there the fourth Monday in September, I think.

Q. Did you undertake to have any arrests made, or take any steps in that direction ?—A. No, sir; that was not my duty.

Q. Was there or not any investigation whatever by the State authorities, either as to the offense committed at the time General McKee was struck or of the shooting into the post-office the following night ?—A. Not that I know of; there may be at the next term of court.

Q. There has never been any arrest made or any investigation ?—A. None that I know of.

Q. I understand you to say that the republicans were not organized at the late election in your county ?—A. I do not think there was but one effort to organize them.

Q. Where was that effort—at Sweetwater ?—A. No, sir; that was at Durant; Judge Ware made a speech there.

Q. Were you there ?—A. No, sir; I heard of it.

Q. Do you know a person by the name of Howard Russell ?—A. Yes, sir.

Q. Where does he live ?—A. In the State penitentiary.

Q. He is a democrat, is he not ?—A. No, sir ; he is a republican.

Q. Do you know what he was put in the penitentiary for ?—A. For shooting at a private citizen riding along the road.

Q. How long did you put him in for?—A. He was convicted at the last term of court; he has been there since last October or November.

Q. State if you know of Mr. Howard Russell attempting to organize the party at Sweetwater in the summer of 1876?—A. I heard that he went to church at Sweetwater one night, and after the services were over, congregated a few around him and got on a pine log and made a speech. I can tell you what he said.

Q. Were you there?—A. No, sir.

Q. You do not know anything personally?—Have you any knowledge of the republican meeting being broken up?—A. No, sir; nothing whatever.

Q. Do you know of Russell being visited and ordered to leave the county?—A. He was arrested at Jackson and brought back to the county.

Q. Well, but before that shooting occurred?—A. No, sir. A large number of men tried to arrest him, but he escaped and got down to Jackson.

Q. That was for the shooting?—A. Yes, sir.

By Mr. KERNAN:

Q. In this Lee matter?—A. No, sir; that was a different thing entirely.

By Mr. MITCHELL:

Q. Do you not know that a body of armed men, at night, took Howard Russell and conveyed him along toward the confines of the county where he, knowing that it was their purpose to kill him, escaped, and when they pursued him he fired back and wounded a man?—A. No, sir; he did not wound a man. I prosecuted the case, and know what was sworn to on the stand, but it was nothing like that. The evidence was that two young men, men of families, James Wharton and Frank Power, were walking along in Wharton's cotton-field, and this man, Howard Russell, fired at them from a thicket of willows, and the evidence was that Mr. Wharton saw him when he had his gun presented at him, and thought it was a negro on his place by the name of Ben Love, and said, "Ben, for God's sake, do not shoot me," and just then he saw it was Russell, and he fell off his horse to the ground.

Q. Where did this take place?—A. In Holmes County.

Q. How far from the place where Russell attempted to hold republican meetings?—A. Sweetwater? About three miles.

Q. How long was it after that?—A. Probably a week or ten days; perhaps not so long. I really do not know. I do not pretend to say.

Q. Don't you know that prior to this Russell had been followed by armed men and shot at?—A. No, sir.

Q. Have not you heard so?—A. I have heard that at this same meeting, and I was going to tell you about it.

Q. And have you heard that he was pursued by armed men?—A. Can I tell the whole circumstances, please?

Q. Have you not heard that prior to the time that he was arrested for shooting at this man, he, Howard Russell, had been pursued by armed men and shot at by these men?

Mr. KERNAN. I object to that.

A. I have never heard that they shot at him; I have heard they tried to arrest him for making incendiary speeches.

Q. (By Mr. MITCHELL.) Who were the men who tried to arrest him for making incendiary speeches?—A. The officers.

Q. What officers?—A. Well, the town marshal.

Q. Was he a member of the military club?—A. The marshal?

Q. Was Howard Russell charged with anything but making what he called a republican speech?—A. I don't know of any other charge.

Q. That was the case, then; they were trying to arrest him for making what they called an incendiary speech, and what he called a republican speech?—A. Yes, sir.

Q. And it was during this affray or about this time that he was arrested for shooting this man?—A. Afterward.

Q. How long afterward?—A. I do not remember how long it was.

Q. Do you know Mr. H. W. Warren, of Holmes County?—A. Not of Holmes County; he lives in Leake County; I know him.

Q. He did live in Holmes County in 1875, did he not?—A. He was in the county a little while before the election.

Q. What was his business?—A. I really do not know; a politician, I believe. I do not know anything else that he did. I think he owns some land over there; raises a little cotton, perhaps.

Q. Mr. Warren testified before the Senate committee in July last. In answer to a question by Mr. Cameron, he gave the following answer:——

Mr. KERNAN. I object to putting that in that way when you have it already.

Mr. MITCHELL. I will read the question and answer.

By Mr. CAMERON:

Q. This committee is charged with the duty of inquiring into the election held in Mississippi in 1875. It has been charged that the election was carried by force, fraud, and intimidation, and the committee is now inquiring in regard to these matters. You may state what knowledge you have of the manner in which the canvass was conducted in Holmes County, or in any other parts of the State.—A. I was chairman of the republican executive committee in Holmes County, and knew somewhat of matters that were transpiring there, in regard to the canvass. We did not pretend to hold large meetings as in some previous elections in the State. We did not dare to hold meetings, because we were afraid they would be broken up; the situation of affairs was such.

Q. Broken up by whom?—A. By our political opponents.

Mr. KERNAN. On what page is that?

Mr. MITCHELL. Pages 573 and 574 of the first volume of the Mississippi Report. The answer continues:

The only large gathering we had during the campaign was that at which our ticket was nominated. When the ticket was nominated, we had on the ground at that meeting republican voters enough, I think, if they had voted at the election in November, to have carried that county for the republicans. At that time the condition of affairs had become such that we did not dare to hold any large meetings at all. We organized our party as quietly as possible; held club-meetings in different parts of the county. I had some personal experience; if desirable I suppose I might relate it.

Q. You can go on and relate it?—A. Two weeks before the election, on Monday, I was at the county seat, at the——

Mr. KERNAN, (to Mr. MITCHELL.) Would you not just as lief read that at some other time? We are taking up too much time, it seems to me.

Mr. MITCHELL. I can read it now. It is short:

I was at the county-seat, at the court-house, in the morning; I was as the southwest entrance to the court-house, and a man came to me and said he would like to speak to me. I turned and followed him to the east entrance of the court-house. Two other men accompanied as we passed around to the east entrance. When we reached the door of the east entrance, the man's manner changed entirely, and in a very abrupt way he said, "Warren, are you a citizen of this county?" I said, "Yes; I am a citizen of this county." He said, "No; you are not, sir; and you had better go away from here. You have been here circulating your lying documents long enough, and you had better go away." I replied, "I think you are mistaken, sir." He says, "No; I am not mistaken; it is going to be too hot for you here, and the sooner you go away the better; I mean what I say, sir." One of the other men who accompanied him said, "Yes; we mean what we say."_ I stood there quietly with

one hand in my pocket, watching for further demonstrations, but that was all that was said to me, and nothing was done.

Do you, Mr. Wilson, know anything about this transaction?—A. No, sir.

By Mr. MITCHELL:

Q. Did you hear anything about it?—A. I heard something about it.

Q. Is it a matter of history that this took place?—A. No, sir; no history about it. I heard it at the time.

Q. Do you know who that gentleman was?—A. Yes, sir.

Q. What was his name?—A. Ashcraft.

Q. Do you know why he was told to leave except as stated here?—A. No, sir.

Q. I suppose you heard he was told to leave for the reason stated here?—A. I guess that is about it.

By Mr. KERNAN:

Q. You heard that was it?—A. Yes, sir; I heard it was so stated.

By Mr. MITCHELL:

Q. How far do you live from Lexington?—A. I live in Lexington; my office is there.

Q. What do you know about R. A. Simmons being driven out of the county?—A. I know nothing of it.

Q. Do you know Simmons?—A. Yes, sir.

Q. Where is he now?—A. I can not say. I expect he has gone back to Mexico.

Q. Do you not know that one Samuel Griffin, commanding a body of armed men, rode through the county and warned colored voters to leave?—A. That is in Yazoo County, and I know nothing about that only by hearsay, as I have just said.

By Mr. KERNAN:

Q. If I understand you, Mr. Howard Russell was indicted and tried for shooting at those men?—A. Yes, sir.

Q. Were they armed or unarmed?—A. Unarmed.

Q. Were there any colored men members of your club?—A. Yes, sir.

Q. About how many?—A. Well, sir, I really do not know; I suppose there were between five and ten—about that number, I suppose.

Q. Did they belong also to your company?—A. I believe they belonged to the company.

Q. About how many were there in the company?—A. Twenty or twenty-five.

Q. You said that on the night succeeding the collision between McKee and that other man you were in the post-office, and that you saw the bullet-holes. Was that denounced generally?—A. Yes, sir; by democrats.

Q. Did you hear people say that it was done by men?—A. I heard it was done by some drunken boys.

By Mr. TELLER:

Q. That firing in the post-office?—A. Yes, sir; that was the talk, and I myself went up there. Mr. Pratt is a republican, and I went with him, and I examined the bullet-holes, and I denounced it as well as he did, and every one else. It had nothing to do with politics. The citizens of Canton said it was some drunken boys that did it; politics had nothing to do with it.

By Mr. KERNAN:

Q. What office did Holmes hold?—A. He was chancery clerk.

Q. What office did Lee hold?—A. He was land-commissioner and deputy treasurer.

Q. Mills?—A. Postmaster.

Q. What was this gentleman's name in Yazoo that could not produce the $28,000?—A. Judge Hayes.

Q. When was that?—A. The first of January, 1876.

Q. That had been paid over to him by his predecessor?—A. Yes, sir.

Q. A democrat?—A. No, sir; republican.

By Mr. MITCHELL:

Q. You do not know this personally?—A. No, sir; that was the evidence given before the grand jury.

By Mr. KERNAN:

Q. It was fully investigated before the grand jury?—A. Yes, sir.

Q. You were indicted for something?—A. Yes, sir.

Q. State what it was. You said you were indicted for intimidating one Nathan Wilson in 1875.—A. I think I was the only man in Mississippi indicted for intimidation in 1875. The judge is a republican, and the grand jury republican.

Q. In what court were you indicted?—A. In the United States district court.

Q. Who was the judge?—A. R. A. Hill. The grand jury was republican. When this bill was found I knew nothing about it. I at once went to this man Wilson. I will say that he is a colored man, and belonged to my father; I told him what they had done; that they had indicted me for intimidating him. He denounced it as false, and said he had nothing to do with it, and said that he should go to Jackson, Miss., and swear that it was false; he said he did not know how the bill came to be found. I then went to—or rather he came to me—a republican, Charles Banson, who was on the grand jury. He came to me and said, "I understand you have been indicted." He said, "I was on the grand jury, but I had to leave and go up home. It must have been found while I was away." I have never found how it came. I have searched everywhere. The record shows a jury called and verdict of "not guilty," which in fact is not true, for I never was arraigned and never tried. The district attorney agreed, and General George, my attorney, acceded to it, that it should be disposed of. Any cases of intimidation could have been prosecuted by——

Q. That is so still, is it not?—A. Yes, sir; they have compulsory process, and can bring any case before them.

Q. Had you in any way intimidated Nathan Wilson?—A. Never, sir; he is a boy of whom I was very fond; we were raised together.

Q. Now, there was trouble in Yazoo, as you heard?—A. Yes, sir.

Q. Had Mr. Morgan in some way killed his predecessor in office?—A. There were statements on bills found, which I would not be allowed to divulge. There is an indictment.

Q. I do not care about that if it has not been made public; but was it said that he killed his predecessor in some way, and that he was afterward charged with murder?—A. Yes, sir.

Q. His predecessor was a republican, was he not?—A. Yes, sir.

Q. Did this feeling and trouble grow out of that?—A. I have been told so.

Q. Who prosecuted that case, Mr. Gwin?—A. It was in Yazoo County; I do not know.

Q. Do you know the fact that the governor pardoned Mr. Morgan before he was tried?—A. I have heard so.

By Mr. MITCHELL:

Q. Is it not a fact that this indictment against you was dismissed by the judge, or disposed of in the manner it was, from the fact that the judge had doubts about the law in view of the decision of the Supreme Court in the Louisiana and Kentucky cases?—A. I do not know; I was not there.

Q. General George was your attorney?—A. Yes, sir.

Q. Do you not know, now, that the reason you were discharged in the way you were was because the judge had doubts in regard to the law in view of the decision of the Supreme Court in the Grant Parish cases?—A. I do not know.

Q. You said the judge was a republican, and the grand jury was republican?—A. I don't mean to say they were all republicans.

Q. How do you know that the majority were republican?—A. I know that because they always have been; they select them just that way.

Q. Are you certain about that?—A. They have been doing it, and I have not heard of any changes.

Q. Is it not a fact that they are generally about equally divided?—A. There is a republican preponderance.

Q. Are you certain of that?—A. Yes, sir; I am certain of that; they always get a republican majority; of course, through courtesy they allowed a democrat to sit there.

Q. You mean to say that in your opinion a majority of the grand jury consisted of republicans?—A. Yes, sir.

WILLIAM PRICE recalled.

By Mr. MITCHELL:

Question. What you last described took place at Grenada, did it?—Answer. Yes, sir.

Q. When?—A. The 8th day of October, 1875.

Q. Now, go on and finish any statement you desire to make about it.—A. I then went into the post-office to see my wife, knowing from the shooting that they would feel anxious about my safety. When I got to the post-office I found the office empty, and I could not find a trace of any one anywhere, and I staid there to take charge of the office, and in, perhaps, five minutes or ten she came in from the rear of the building with her neck considerably injured. I asked her what was the matter with her. She said, "that as soon as she heard the firing, she heard several voices crying out that Mr. French was going to kill Price, and that the firing was at him." She said, "I immediately ran out and left the door open; and went into the chancery clerk's office, and finding that you were not there, I went to Mr. Kelly's office, and when I got there I found Mr. French striking a man named Shipwell over the head with a stick," and she caught hold of the stick. This Shipwell is a republican. As soon as he saw her, he called her a "d—d old bitch," and said, "I will kill you;" and he took her by the throat and choked her for some time, and they scuffled for a time, and he threw her on her back over across a washstand, and broke her watch-chain into atoms; and her watch was thrown against the wall on the other side. At that time a colored man by the name of George Purnell, the man who carries the mail now from the post-office to the depot, stepped in and saw French and my wife clinched there on the washstand. He caught French and drew him away from her. She then walked into the post-office in that manner as I have stated. Her neck did not heal up for a week or two, and she suffered from the effect of the choking to some ex-

tent for a week or two. If you will allow me I will read an account of the affair published in the town paper of that week, and I wish that to form a part of my evidence.

Mr. KERNAN. If I were you I would not read that, Mr. Price.

Mr. MITCHELL. (After examining the slip referred to.) You have stated the circumstances as they occurred, have you not?

The WITNESS. Yes, sir. After this occurred a very large crowd of citizens immediately gathered, hearing firing; and perhaps a hundred or more white men among them came around my office, and a great deal of excitement was manifested. There must have been 1,200 or more people gathered. A Mr. Rasquidge asked me why I did not come out and shoot him. I told him I was not a shooting man, and I did not believe in settling mattters in that way. After a time the crowd dispersed, and we proceeded with our convention and nominated our officers without any further trouble on that day.

By Mr. MITCHELL:

Q. State any other acts of violence and intimidation in the election of 1875.—A. That was on the 8th day of October. Prior to that time I had spoken several times in the county. I was not interrupted at any of my meetings, and no threats were made at any of the meetings; but after this demonstration I do not think that I made perhaps more than one speech in that county; and that was when Senator Keyes was at my town, and spoke for about an hour. The reason was that the state of feeling ran so very high, and knowing the determination to carry the county for the democratic party, and fearing also a collision, I abstained from taking any part.

Q. To what extent did such intimidation affect a free and full expression of political preference at the election of 1875?—A. I will state as much as possible just what I know, as far as my personal observation and knowledge go, with regard to that subject. I think that the impression was, at least in the minds of the colored people, that the democratic club, a very large body in our town, had arms at their command, though I never saw them exhibit arms; but that they had, a prominent member of the club told Mr. Kelly, a friend of mine.

Mr. KERNAN. I must object to this way of getting in testimony.

The WITNESS. What I am telling is hearsay, and my knowledge of the possession of arms by that club is derived from hearsay. I do not know it from my own knowledge.

By Mr. MITCHELL:

Q. What do you know, if anything, of coffins being circulated around there?—A. Before the election, on two occasions the democratic party had a large torch-light procession in our town; in one o them a wagon or at least the wheels of a wagon were drawn about the streets carrying a coffin with my name: "William Price, died November 2nd," in very large characters, and they hauled it all about town. When they passed the post-office they groaned and so on, and cried out for "rope to hang Price," and so on, and at the close of the procession the coffin was deposited first in a kind of verandah over the door of the post-office, but by Sunday morning the coffin was up against the door of the post-office. About eight o'clock a woman who usually goes there at that hour went there and found it there with my name on it. The office was not opened until nine o'clock; it remained there until about ten o'clock.

Q. What sized coffin was it?—A. Full-sized coffin.

Q. A board coffin?—A. O, yes; no sham about it.

Q. Was the coffin left there?—A. Till about ten o'clock, I think, Sunday.

Q. When was this?—A. About a week before the election. It did not go from there by my orders, but it disappeared during the morning some time.

Q. Do you know of the democrats exhibiting arms on the public square before election, taking them out of boxes, and so forth?—A. This is hearsay, and I want it go as such. On Monday night, about nine or ten o'clock, perhaps, I was informed by several parties, and one of them was G. Wiley Wells, present member of Congress, that there were two or three boxes, more or less, near the voting-place, at Captain Crowder's room, and these arms were distributed. I was informed that Sunday night before election.

Q. Is there anything more of acts of violence or intimidation in 1875 that you wish to refer to?—A. No, sir; I got out but little during the day; the state of feeling was running very high, and I had taken a prominent part previous to this election, and being warned of some danger, as I said here yesterday, I thought I would take but little public part in the election on that day, and I did not go out but simply to vote during the whole day.

Q. Did you feel that you were not safe in going out that day?

Mr. KERNAN. I make a specific objection to that. He has answered that he did not go out that day, and now you ask him what his fears were, and to this I desire to object.

(Objection overruled.)

A. I stated here, yesterday, that on Saturday prior to the election I was called upon by three of the most prominent men, as I regarded them, in the county, informing me that my life was in danger. I believed what they stated, consequently I had some fears on the day of election about my safety, and that is the only reason why I kept within doors. I had always taken a prominent part in the political affairs of the county.

Q. (By Mr. MITCHELL.) Now come to the election of 1876, and state what you know of any acts of violence or intimidation during the campaign preceding that election?—A. I was absent from the county for about two months, during the months of July and August, on account of sickness, and came back to Grenada about the 2d day of September; and on the 6th I made a speech at a mass meeting in the court-house on the political issues of the day. I spoke twice subsequently, and that was all the public speaking I did during the canvass of 1876.

Q. What acts of violence or intimidation do you know of during the campaign?—A. I do not know of any acts of violence during the canvass particularly. There were some demonstrations that might be termed intimidation during the public meeting that was called there, at which the chairman of the State committee, Judge Ware, was present, and also a gentleman who was a candidate for Congress on the republican ticket.

Q. Who was he?—A. Mr. Chisolm. The day he and Judge Ware were in town we had a large crowd, perhaps eight or ten hundred, and a hundred white people more or less, at that meeting. I was called to be chairman of the meeting; and as soon as I took my seat a polite request was made by a Captain Barksdale that a division of time should be made in favor of democratic speakers. I objected to that, and suggested that if a division of time was desired that Judge Ware had in the morning stated that he would with pleasure come to Grenada at any time that Captain Barksdale might desire. Mr. Chisolm then went on

with his speech. He spoke for, perhaps, half an hour or more without interruption. After he had spoken for half an hour, more or less, a cry got out among the crowd, among the white people; some called for "Money," or for this gentleman or for that one to speak. Some cried, "Hurrah for Indian," and so on, and after a while the noise became so boisterous that Mr. Chisolm sat down. Judge Ware got up, and they downed his voice. Captain Barksdale got up in a wagon, seeing the demonstration from the crowd and the angry feeling manifested toward the republican speakers, and he appealed to them, and said it was a disgrace to the people and to the town, and asked them, if for no other reason, out of respect to him as a citizen and member of the legislature to hear the speaker. After that the meeting proceeded without any further interruption. That was the only meeting I attended where there was such a demonstration by the democratic party.

Q. Were these demonstrations by members of the democratic party?—A. Entirely so. On election-day they commenced firing a cannon.

Q. Who did?—A. The democrats.

Q. Where?—A. On the public square.

Q. What were they firing cannon on the morning of the election for?—A. I do not know. The firing continued until near voting-time.

Q. Did many people come in?—A. A good many came in.

Q. Many when the firing was going on?—A. Not a great many.

Q. How long did they continue to fire the cannon?—A. Till about six or seven o'clock. The cannon remained there the whole day about twenty or twenty-five yards from the ballot-box, and pretty soon in the day dispatches began to arrive giving Tilden a glorious majority in the State as well as through all the United States, and during the evening the cannon was still firing, so that the cannon fired at intervals during the whole of the day. The colored people, to the number of from about four hundred and fifty to five hundred, were registered to vote in that place, only one voting-place; but I am not sure of the number at that box. The white people commenced voting early in the morning and the colored people stood aloof.

Q. How many were registered, all told, at that precinct?—A. Between seven and nine hundred, I should say.

Q. At Grenada precinct?—A. Yes, sir.

Q. And of this number somewhere between four and five hundred were colored?—A. Yes, sir.

Q. About how many did vote there?—A. The colored people, in very large numbers, came over to where I was living and told me that they found it utterly impossible to vote.

Q. Why?—A. That the white people would not allow them to go in to vote. I will describe the arrangement at the voting-place as near as I can. The voting was carried on at the court-house, and there was a bench or two, perhaps two benches, in front of the voting-place, in front of the court-house, and the intervening space was crowded with democrats, all in red shirts and with a kind of uniform. I think they call it the Continental Club uniform, or something of that kind. They were stationed on the benches, so that there was a space of about that much, [illustrating and describing with the hands a space of about three feet,] and they said that this crowded avenue had been so crowded all morning as that they could not all get in to vote. They said they were going home; they could not get in to vote. I advised them to remain, that perhaps a change would take place after a little. I did not go out.

Q. Did you not vote?—A. No, sir.

Q. Why?—A. I will come to that presently.

Q. Were the supervisors inside of the court-house?—A. Yes, sir.

Q. Receiving ballots through the window?—A. No, sir; through the door of the court house.

Q. Were these benches which were standing in front of the court-house in front of the door?—A. Yes, sir.

Q. Leaving a narrow way between the door and the benches?—A. Yes, sir.

Q. And these benches were filled with these men in uniforms or red shirts?—A. Yes, sir.

Q. Well, go on.—A. Up to about twelve o'clock there had been no hostile demonstration made at all, except that difficulty in getting into the entrance. About half past twelve clock I could see a rush. There seemed to be some trouble or excitement growing up very suddenly, and it appeared that while a colored man living about ten miles out of town was attempting to push through the crowd in the narrow avenue some white man pushed him against some other white man, and when he did so the latter white me said, "Why did you do that?" and he replied, "I couldn't help it; I was pushed." And the white man began to abuse him and struck him. He protested, and then the man there struck the colored man over the head a very violent blow. He made no demonstration whatever. He ran right away and in the *mêlée* he was struck over the head by a revolver.

Q. You could see this from your window?—A. Yes, sir; some of the facts I obtained from observation and some from information. Immediately I saw some white men rushing there to the other side; they opened a door leading into a store about ten or fifteen yards from my residence, and a crowd rushed into this entrance-door, and this store was crowded with guns; some said two hundred and some two hundred and fifty, but a large number of guns were secreted in this store anyway. I was informed that each man had his name on his gun, and that each gun was loaded. Two or three came out from the store into the public square with their guns.

Q. Were these whites?—A. All whites, not a colored man in the crowd. Two or three men—I only saw one, a banker there, by the name of Lake; he was the only one that I saw—but two or three men came out when a man by the name of John Wolthole made a rush to the door, and he stretched his hands in this way [illustrating] across it, and said, "Now, men don't you go out, no one of you," and in five minutes I suppose there was not a colored voter left on the square. A man yelled, "Load the cannon; fill her with buckshot; by God, put a few bushels into her," and they moved the cannon from where it was in the direction where these guns were.

Q. The colored men immediately scattered?—A. Yes, sir; scattered like a flock of sheep.

Q. There was a general demonstration of violence on the part of the whites?—A. Just as I have described.

Q. Did the colored voters return?—A. No, sir.

Q. Why did you not vote?—A. Well, sir, I had registered to vote, and I as much intended to vote as ever I did in my life. But after I saw this demonstration, I thought there was not very much election in that kind of business, and I did not feel very safe in going out in such a demonstration. I thought I would not risk my life there or incur any danger.

Q. How did the vote stand in that precinct?—A. I will tell you directly. I inquired of the registrar for the official vote of that precinct.

He was a colored man and professed to be a republican. He made this remark: "Every white man in the precinct voted but yourself," and there were 700; and there were 418 colored men registered that did not vote. Every white man that registered voted but myself.

Q. Did he tell you what the entire vote was at the precinct?—A. I think between 700 and 900.

Q. You mean registered?—A. Yes, sir.

Q. But the vote actually cast?—A. I could not say.

Q. That was at the recent election?—A. Yes, sir.

Q. You failed to vote, then, through fear of your life or of bodily harm?—A. I did not vote for that reason. In regard to other boxes, I could only tell you from hearsay. They gave the democratic party about 600 majority at the other precinct. It was somewhere in that vicinity.

Q. Did you know what it was in 1875?—A. Two hundred and fifty.

Q. What was it in 1872?—A. Republican by between 500 and 600. The majority of colored voters in this last year was about 722 by the registration.

Q. How does the colored vote stand politically in your State?—A. I can answer of my own county.

Q. Very well.—A. The colored people of Grenada County, with few exceptions, are as strong republicans as I have ever met with in any part of the world. And I never saw them more united and determined to vote the republican ticket as a mass than they were at the last election.

Q. What effect did these acts of violence or intimidation have in preventing the republicans from organizing in that county at the recent election and bringing out their vote?—A. Well, sir, the colored people organized clubs all over the county. I did not visit scarcely a club during the whole canvass, but white people would attend them. I know of no violence at all by the white people of my own knowledge.

Q. What do you know of any acts of violence besides what you have referred to, as a matter of common fame?—A. I do not know of any acts of violence whatever, except what I have stated with regard to intimidation. I think that was carried to a considerable extent in 1875 and 1876, so far as threatening colored men with loss of employment and refusing to credit them. I know some who had lost their places; some in town and a few in the country. That species of intimidation was indulged in to a very large extent. But of violence I know nothing.

WASHINGTON, *January* 17, 1877.

WILLIAM PRICE'S examination continued.

By Mr. MITCHELL:

Question. State what you know, if anything, about republican voters being discharged for voting the republicon ticket in 1876.—Answer. I have heard of several instances; I cannot recollect the names at present of more than two, though the complaint seemed to be general. One was employed by Hickock & Powell, in our town, a man by the name of Columbus Raskin, who had refused to vote in 1875, though a republican, and this year positively stated that he would vote the republican ticket at all hazards, and was consequently discharged. Another young man named Pettibone, who made a republican speech Saturday before the election, who had been employed on the railroad, was discharged either on Monday or Tuesday afterward; and he informed me that the only

charge was that he had made that strong republican speech in Grenada. I have heard of several other instances, but those are the only ones I know of my own knowledge. A number were threatened that they would not be employed if they voted the republican ticket.

Q. About what time in the day was it that the difficulty occurred at your election-precinct at the late election, at the precinct where the white men rushed to the store with their arms?—A. I think at about half-past twelve o'clock.

Q. What did the supervisors holding elections then do?—A. Mr. Fairfield, registrar in bankruptcy, was the United States supervisor; he left the voting-place and went directly home and refused to return; did not attend the balance of the day; did not attend the counting of the votes, and refused to certify to the counting of the votes.

Q. Were there any votes after that?—A. A few.

Q. Had the democrats principally voted before this disturbance?—A. Yes, sir.

Q. Was as any other United States officer driven away?—A. There were six or seven deputies, and each man had his badge pinned on his coat; I think all, with the exception of Mr. Townsend. I do not know what he did, but the rest of them took off their badges and refused to act.

Q. How do account for this action on their part? Do you know the reason? If so, state it.—A. The reason they gave me was that the resort to arms and the threatening of violence was of such a character that they did not wish to have anything to do with an election carried on in that style.

Q You have stated one difficulty, where a Mr. French assaulted you. State any instance of personal violence that you have suffered yourself on account of your political opinion in the State of Mississippi?—A. A few days prior to their election, three or four days, about eight o'clock at night, two men came to the rear of my residence and called me out. I went to meet them, and they told me they wanted me to go immediately with them to the democratic club. I told them I did not wish to attend; tried to excuse myself from going. They took me by the arm, one on one side and one on the other, and took me by force, and took me on the stand by the speakers. I got out of that, and they got me into the body of the audience, and they abused me considerably. I had a considerable treat of that.

Q. When was that?—A. A few days before.

Q. Who were these men?—A. One name was Charlie Yates, I think, a one-armed gentleman, and the other is W. J. Stathem.

Q. What time was that?—A. About eight o'clock at night. I was very sick at the time, and went out without my coat on and told them to go and get it.

Q. What did they say?—A. "We want you to go and attend our club."

Q. What did you say?—A. I said, "Gentlemen, I don't want to attend that; I do not belong to your club." They said, "You must go."

Q. Did you protest against going?—A. I did, but it was unavailing.

Q. How near was it to the meeting?—A. About a hundred yards.

Q. How many men did you find there?—A. The house was crowded to the utmost capacity.

Q. What house?—A. The court-house.

Q. How many were there?—A. Perhaps two hundred and fifty.

Q. Whites?—A. Yes, sir; there may have been a few negroes.

Q. Was the meeting organized?—A. Yes, sir.

Q. What did these men have you do? What did they say you must do?—A. They told me, after I had sat there awhile, I must join their club; if I would do so, they would forgive me for the active part I had taken in the past, and any favor I wanted would be granted if I would only fall in with them.

Q. What did you do?—A. I told them I could not.

Q. What did they do then?—A. A messenger came and sent in a message that my wife was there. They let me go and see her.

Q. What did your wife say when you went out?—A. She said if I did not go from there I would be assassinated.

Q. What did you do?—A. I went home.

Q. They permitted you to go home?—A. I went.

Q. What did they say?—A. The speech was directed at me.

Q. Who was speaking?—A. A man by the name of Parker, who recently left the party. One of the men said I had charged Tilden with being a secessionist. It got up quite a crowd. I had spoken that afternoon out in the country.

Q. What other acts of violence have you suffered at the hands of your enemies, if any?—A. I do not think I can specify anything very direct; but a day or two after the election, perhaps, a large crowd—forty or fifty, perhaps, came in front of the court-house and mounted two negroes dressed in red shirts, put the two negroes on horses, yelled, and abused me in various ways.

Q. Was this in front of your residence?—A. Yes, sir; the post-office had been burned, and I was keeping store, and the post-office was in the lower part. The house was then surrounded, and the party, from about 11 o'clock till about 1, perhaps, in the night, kept abusing me, ordering all d——d carpet-baggers to leave.

Q. How many men were congregated there?—A. In the day-time, I should think, about forty or fifty.

Q. At night you do not know many?—A. No, sir.

Q. Did they have arms?—A. I did not see any arms.

Q. No visible arms?—A. No, sir.

Q. Were they rather violent?—A. Yes, sir; rather tumultuous and violent.

Q. That was how long after the election?—A. Two or three days.

Q. What do you know about Mr. Crowder going to your house?—A. That was in 1875.

Q. Describe that.—A. In 1875, when I was chancery clerk, he came into my office and asked me to divide——

By Mr. KERNAN:

Q. What was the name of this man?—A. J. B. Crowder. I declined doing so and gave my reasons why, and he ordered me to do so. "We cannot get the negroes," said he; "but if you all come, we can do it; and unless we can break your lines, by God, Price, you have got us. These men won't come to hear us, and won't join our club; but we are going to carry the election any way; you may just settle down on that." He did not say how they were going to do it, but just walked out.

Q. What have you or your family suffered recently, if at all?—A. After these demonstrations at the post-office, the insults were more severe to me and my wife after the election. I was informed by persons in the town daily of threats of violence to me because of my connection with the election. They told me they would give me thirty days' notice, if Tilden was elected, to get away from there.

Q. Who told you?—A. It was told me to my face—no, I was not told

it to my face but by other parties. I was told that they said, "Price thinks that if Hayes is elected he has a better chance of holding on. If Tilden is elected we will give him thirty days' notice, but if Hayes is elected we will give him no notice at all; he must get right out of here." I was warned by colored friends in the country and others; several of them urged me, for safety, to leave.

Q. Did your property suffer in any way?—A. On the 31st of October I was absent in New Orleans, and, about one o'clock in the night, my printing-office, post-office, and stable, and everything else was burned. I do not know that it was burned by an incendiary or not. I do not know the origin of the fire.

Q. Did it originate in your property?—A. No, sir; but just close by.

Q. Do you know of any insults offered to your wife by parties going into the post-office?—A. There was the instance I mentioned a while ago.

Q. Aside from that?—A. Yes, sir; several parties came in there—one young man—they said he was drunk; but I did not see any evidence of drunkenness. He asked if there was a letter for a man by the name of Baker, and she said, "No." He said, "You are a d——d liar." She said, "That is strange language to address to a lady." She cried a little and went away.

Q. Did you know this man?—A. Yes, sir; very well.

Q. He was a democrat?—A. Yes, sir.

Q. What do you know about Mr. Kelly being maltreated, if at all?—A. About three weeks ago he was out on the street attending to some business; it was in the night-time; four men, one by the name of A. S. Johnson; another, Curtis Guy; another, J. E. Hughes, and the other, Ransom, came on to him on the street, in front of a saloon, all four together. One of the four, Johnson, picked up some quarrel with him and jumped at his throat, and with a pair of knuckles beat him on the head very severely and broke some of his ribs, and left him on the street in a very bad condition.

Q. Were these democrats?—A. Yes, sir.

Q. What position did Kelly hold there?—A. United States deputy collector of revenue.

Q. Was he connected with your family—related to you?—A. No, sir; he is married to a sister of my son-in-law; he is no relation to me directly.

Q. He was an active republican?—A. Yes, sir.

Q. Did he live in your house?—A. Yes, sir; we both edited a republican paper together.

Q. Are there any other acts of violence that you know of?—A. No, sir; only such as that. I thought best to escape from there about six weeks ago, and my wife telegraphed her resignation to the Department and took our effects to Memphis.

Q. Why did you leave?—A. Because I thought my life was in constant danger.

Q. From whom?—A. From political enemies.

Q. For what reason?—A. I had taken a very prominent and leading interest in politics there for eight years and edited a republican paper there.

Q. You felt that you could not remain there longer with safety?

Mr. KERNAN objected to the question.

[Objection overruled.]

A. That is the only reason.

By Mr. KERNAN:

Q. Before going to Mississippi, where did you reside?—A. I resided in Kentucky.

Q. What place?—A. I resided at Hopkinsville prior to my going there in 1864 and 1865.

Q. Are you a native of Kentucky?—A. I am a native of Wales.

Q. How long did you live in Kentucky?—A. I settled in Kentucky in 1852. I resided there about two years. I returned there in 1858. I remained there till the war.

Q. Where were you during the war?—A. I joined the Army of the country at Covington.

Q. What was your position?—A. I was a chaplain.

Q. Have you acted as minister since then?—A. No, sir; not as a stated Minister, but I have preached a good deal.

Q. Were you a minister before the war?—A. I was pastor of the First Baptist Church in Covington at the time the war broke out.

Q. What offices have you held in Mississippi?—A. For a short time I held the office of superintendent of education.

Q. Under the State authority?—A. Yes, sir.

Q. When was that—about what time?—A. Prior to the time I was elected to the senate.

Q. Have you not held any other office?—A. I do not recollect any other. I was postmaster for about two or three years, till Grant issued his order that a person holding a Federal office worth a thousand dollars or more could not hold a State office also.

Q. You were State senator down to what time?—A. Down to 1864, I think.

Q. Have you been postmaster since that?—A. No, sir; my wife was postmistress.

Q. She has held the office from that time up to this time?—A. Yes, sir; up to within two or three weeks.

Q. You were chancery clerk?—A. No, sir.

Q. Were you treasurer?—A. No, sir; I ought to state that the clerk was appointed consul to China in June or July, and I was appointed to fill that vacancy up to the end of the year.

Q. When the chancery clerk was appointed consul to China you succeeded him?—A. Yes, sir.

Q. Were you then senator?—A. No, sir; my senatorship had ended.

Q. In 1875, if I understand you, the republican clubs organized as usual?—A. Yes, sir.

Q. Were you in each of these elections one of the persons who went about addressing the people?—A. Yes, sir.

Q. You were quite a prominent speaker?—A. They called me so.

Q. I suppose you spoke strongly and sharply?—A. I spoke as strongly as I could.

Q. Did not you speak sharply at the other side?—A. No; I think I am rather easy that way.

Q. Do you not think you did your best?—A. I do not know but I did my best to defend my own side.

Q. Now you have given all the violence and intimidation which you can recall; which you knew of in 1875 and 1876?—A. Yes, sir; I heard of a good deal, but still I have given what I knew myself.

Q. So that you have given what you knew yourself, and what persons told you of?—A. As far as I recollect.

Q. I will ask you whether about last November you did not meet Mr. Money there.—A. Yes, sir, I met him at Harrisburgh.

Q. Did you not tell him that you had never experienced violence?—A. Well, in the light I put it, I said I had never been knocked down.

Q. Did you not say you never had a personal threat of bodily harm?—A. Not personally to myself.

Q. Did you not say to him that there had not been a threat of bodily harm to you personally?—A. I do not know about that.

Q. But as a fact there has never been a threat personally to you of bodily harm?—A. Except as I have stated, that shooting and so on.

Q. The occasion you speak of in 1875, when you came to the railroad depot at some place, did you know those men?—A. I did not know one man of them.

Q. How many of them were there?—A. I should think forty or fifty in the crowd.

Q. Was there any meeting there that day?—A. No, sir; the meeting I addressed was about ten or eleven miles from there. I had passed through that morning and was expected back that night that way.

Q. The three men who came to you in your office, Mr. Powell and a couple of others, you say were democrats?—A. Yes, sir.

Q. Respectable men?—A. I should class them as among the most respectable in the State.

Q. Friendly to you?—A. Yes, sir; aside from political differences.

Q. You were a candidate for chancery clerk?—A. Yes, sir.

Q. Were you defeated or elected?—A. Defeated.

Q. You did not withdraw from the race?—A. No, sir.

Q. On election-day, who was this Mr. Johnson?—A. He was candidate for sheriff.

Q. A republican?—A. Yes, sir.

Q. You went and voted?—A. I went and voted.

Q. No one molested you?—A. A young man said——

Q. No. Did you experience any violence?—A. Outside of that threat, no, sir.

Q. There was no bodily injury done or attempted upon you?—A. No, sir.

Q. Now as to Mr. French, the Grenada convention was in 1876, was it not?—A. In 1875.

Q. This Mr. French was a candidate for sheriff?—A. He was the nominee on the democratic ticket.

Q. Had he been a republican?—A. Yes, sir.

Q. When did he leave the republican party?—A. He bolted in 1873, and the democrats took him up.

Q. He had a wrangle, I suppose?—A He failed to get the nomination and bolted.

Q. Where did Mr. French come from?—A. For many years, twenty years perhaps, he had been there.

Q. Was he a native?—A. No, sir, I think not.

Q. Who beat him for nomination; some other republican, I suppose?—A. Yes, sir; Mr. Kelly was nominated, I think.

Q. He ran independent?—A. Yes, sir.

Q. In 1875, was he a republican candidate for nomination?—A. No, sir.

Q. Was he an independent then?—A. No, sir; he was nominated by the democrats.

Q. He ran as a candidate in 1875?—A. Yes, sir; regularly nominated.

Q. Is it true that he and you had been on bad terms for some time?—A. Yes, we had not spoken to each other for two years, perhaps.

Q. What did that originate from?—A. A variety of causes. I was the mayor of the town, and he came up twice before me when he was in the wrong. Up to that time we had been very friendly.

Q. Then the unfriendliness commenced?—A. Yes, sir.

Q. Did you have altercations?—A. No, sir; we did not speak to each other, that was all.

Q. How long was that before this shooting matter?—A. Three years, perhaps.

Q. Had you spoken of him in your speeches?—A. Very seldom.

Q. When you were canvassing in 1875, did you not mention him?—A. No, sir; I knew he was a dangerous man and avoided him.

Q. Did you not think well of him when he was in the republican line?—A. He was a peculiar man, but I regarded him at one time as a staunch republican.

Q. Was that before or after he was dissatisfied with republicans?—A. That was before, when I bound him over for a thousand——

Q. Now on that occasion, who was the Richards that he was beating?—A. A school-teacher.

Q. What was his politics?—A. A pronounced republican.

Q. And he and French were having an affray?—A. Yes, sir.

Q. Did you see the affray begin between Richards and French?—A. No, sir.

Q. You did not know which assaulted first?—A. No, sir; I saw him when he was striking.

Q. How far were you from where this was going on?—A. I should think about fifteen or twenty yards.

Q. On the public street?—A. In the public square.

Q. Where were you?—A. In my office, or on the steps of my office.

Q. What made him make the assault on you?—A. He saw me and said, "G—d d—n you, I will kill you, sir." I had not said a word to him.

Q. Then his son ran up to you?—A. His son came up and got the pistol and said, "G—d d—n him, I will kill him."

Q. You did not think this was a political assault on you at that time?—A. Well, sir, I did not know of anything that had sprung up for years.

Q. But did you not say to me that you and he had not spoken to each other after he bolted the party?—A. No, sir.

Q. He was doubtless in a passion beating this other man, and you say he was a high-tempered man?—A. A high-tempered man.

Q. You did not say a word?—A. No, sir.

Q. Did not Kelly try to shoot French at that time?—A. Yes, sir.

Q. He did shoot at him?—A. Yes, sir.

Q. Did it hit him?—A. Very slightly grazed his neck.

Q. What phase of the affray was that when Kelly shot at him?—A. Well, French came, as I said in my testimony——

Q. But at what stage of the affray was it when Kelly shot at the young man?—A. I will get at it as well as I can, sir——

Q. Was it before French fired at you?—A. After.

Q. Was it before or after the son got the pistol from his father?—A. After.

Q. How far was he off from the son?—A. If you will let me have just half a second I will tell you exactly, sir.

Q. I will get it from you. He took the pistol from his father and rushed towards you. How near had the son got to you when Kelly and the son both fired?—A. If you will allow me a moment I can tell you.

Q. No, you can answer that.—A. Well, this is hearsay——
Q. You stood there?—A. I stood there for a moment——
Q. Did the son fire?—A. No, sir.
Q. Well, you went into the house or somewhere else before the son fired on you? You did not see the son fire on Kelly?—A. I did not.
Q. Nor Kelly fire on the son?—A. No, sir.
Q. You didn't see either of them fire?—A. No, sir.
Q. But you heard the reports, I suppose?—A. Yes, sir.
Q. Did you not know that the young man was wounded?—A. Well, sir, it just burned his neck, so his friends told me.
Q. Burned the son's neck?—A. Yes, sir.
Q. Can you say, from your own knowledge, which fired first?—A. No, sir.
Q. What office did Mr. Kelly hold then?—A. He was deputy collector.
Q. You mentioned that you and French had a difficulty before; what was the first difficulty you had?—A. I have mentioned it. The first of which I have any recollection is my ruling in court as mayor when he had been arrested and brought up.
Q. When you bound him over for it, and he was angry about it?—A. Yes, sir; the man was Thomas Sherman he had the difficulty with.
Q. Was it not in 1875 that French was nominated, or claimed to be nominated, by a faction of the republican party?—A. No, sir; not that I know of.
Q. Was that the first time that he had been on the democratic ticket?—A. Yes, sir.
Q. Was he not taken up as they took up Wells?—A. No, sir.
Q. He was a candidate in 1873?—A. Yes, sir.
Q. And he had some republican votes, and the democrats nominated him?—A. Yes, sir; so far as I know.
Q. Now, do you know anything about how your wife got injured? Have you any knowledge of that?—A. Only from what I saw on her person, and what she told me, and what others told me.
Q. This was done by French?—A. Yes, sir.
Q. Whatever violence was done was by French on that side, was it?—A. Yes, sir,
Q. This firing created the crowd; that is nothing unusual at all.—A. No, sir; that is natural.
Q. Was there a convention for the nomination of candidates that day?—A. Yes, sir; at twelve o'clock that day.
Q. And the affray took place after that nomination; it was a republican nomination. This was how many days before the election?—A. It was on the 8th or 9th of October, 1875.
Q. You had been speaking prior to that?—A. Yes, sir.
Q. And no violence was threatened to you or committed upon you before that time?—A. No, sir.
Q. You were speaking through the country?—A. Occasionally; we did not do much speaking.
Q. I think you have said that you have stated all the violence you know of personally.—A. I think so.
Q. Did you, in 1875, see any arms placed or kept stored anywhere?—A. I did not; what I know is from hearsay on that subject.
Q. Now, this occasion of the coffin matter you say was in 1875?—A. 1875.
Q. They had a torchlight procession, and a transparency on the coffin, saying that you had died, or would die?—A. Had died.
Q. After or before?—A. Died in advance.

Q. Do you know they intended that as a political death?—A. Yes, sir.

Mr. TELLER. Political death; but they do not usually carry coffins to indicate that.

By Mr. MITCHELL:

Q. Do you know, Mr. Price, whether it was intended as a reference to your going out of office simply, your political death merely, or whether it was intended as an intimation that if you did not conduct yourself in a certain way you would be killed?—A. I regarded it politically.

Q. You regarded it charitably?—A. Yes, sir.

By Mr. KERNAN:

Q. You did not see any arms on that occasion when they had this coffin procession?—A. I did not see any.

Q. And you—have you no knowledge that they had any?—A. No, sir.

Q. And you have no knowledge of arms being distributed on Monday night?—A. No, sir; I heard it.

Q. But you do not know it yourself as a matter of knowledge?—A. No, sir.

Q. You voted at the election in 1875?—A. I did.

Q. Who were the three men that warned you on election-day?—A. Yes, sir; on the Saturday before the election.

Q. Who were the men?—A. John Powell, J. M. Duncan, and Robert Mullin.

Q. In 1876 you were away from the county for what time?—A. I was absent a portion of July and August.

Q. Came back the 2d of September?—A. Yes, sir.

Q. You spoke in the court-house then?—A. Yes, sir.

Q. To a large meeting?—A. A very large crowd.

Q. No violence then?—A. No, sir; I was only interrupted once at the meeting.

Q. When?—A. At the meeting.

Q. What was that interruption?—A. A gentleman at the close of the meeting asked me this question: "Did you mean to state, sir, that that was a fair election in 1875 or an unfair one?" I told him I regarded it as an unfair one. He said, "Give me an instance." I gave him the instance of these three gentlemen who accosted me.

Q. That was all of that, was it?—A. Yes, sir.

Q. At all the speeches you made in 1876, was there any violence or disorder?—A. Not when I spoke myself.

Q. You gave it to the other side as well as you could?—A. I tried to give it to them as well as I could. What took place at the meeting at Grenada was an interruption of the meeting generally, not to me personally.

Q. And, of your own knowledge, you did not see any violence during the canvass of 1876?—A. No, sir.

Q. Where was the Grenada meeting intended to be—in the court-house?—A. No, sir; in the park.

Q. And they spoke?—A. Mr. Chisholm spoke first, and as long as they would allow him to speak.

Q. You said there were about a hundred white people at the meeting?—A. I should think so.

Q. And about how many colored people?—A. About fourteen or fifteen hundred.

Q. Mr. Barksdale wanted to get up a joint discussion?—A. Yes, sir; he asked me as chairman of the meeting.

Q. Was there any interruption except by cheering?—A. No, sir; no fighting; the noise was very boisterous.

Q. Did the whites make all that?—A. Yes, sir; all the noise.

Q. Was that after Mr. Barksdale had proposed to have a joint discussion?—A. Yes, sir.

Q. They manifested their disapprobation in that way?—A. Yes, sir.

Q. How long was that?—A. About eight or ten minutes.

Q. When they interrupted the speaking Barksdale appealed to them and they did behave?—A. Yes, sir.

Q. Mr. Chisholm spoke after that?—A. No, sir; he spoke first, and Mr. Ware spoke then.

Q. Did he attempt to speak after this first interruption?—A. No, sir.

Q. Now a few words about the election-day. The cannon you spoke of was on the green or in the park?—A. In the court-yard.

Q. They professed to have telegrams saying that they were winning?—A. Yes, sir.

Q. They fired no balls?—A. No, sir.

Q. How long did they remain?—A. During all the canvass.

Q. Firing merely powder?—A. Yes, sir.

Q. So there was no profession of firing anything more than to make a big noise?—A. That was all.

Q. And when the crowd thought the election was going for Tilden they cheered?—A. Yes, sir.

Q. You did not see or hear any intimidation done or expressed toward the voters there yourself?—A. No, sir; I did not get out of my room; I could see the movements from my window, but I did not go out.

Q. Did you see that colored man shoved upon some one?—A. No, sir; I did not see it.

Q. So you did not see that at all?—A. I heard it right afterward from both parties.

Q. Now let me understand about it. They voted at the door of the court-house?—A. Yes, sir.

Q. There were gentlemen there to receive the votes?—A. Yes, sir.

Q. There was a barricade or something there?—A. Yes, sir.

Q. The inspectors stood inside the door?—A. Yes, sir.

Q. And there was a table or something on which was the ballot-box?—A. Yes, sir.

Q. So the people came up to the door and passed in their ballots?—A. Yes, sir; but they would have to go perhaps eight or ten feet within those benches before they came to the door.

Q. I suppose the place they walked in was about as wide as the door?—A. Yes; about that wide, running right in front, with an opening between the benches and the walls.

Q. Were those benches about thirty feet back from the door-way?—A. No, sir; about that much. [illustrating by holding his hands about 3 feet apart.] I should think about 3 feet.

Q. The voters came right up through that alley-way?—A. Yes, sir.

Q. Does not the law regulate that that shall be the way of fixing the places of voting?—A. But they paid no attention to the law at all.

Q. You said something about men on these benches dressed how?—A. In red shirts and caps and *quasi* military costumes.

Q. There was no place for them to sit except there?—A. They did not sit; they stood there on the benches.

Q. Where did these men belong—in the town there?—A. Yes, sir.

Q. You did not yourself see any men obstructed in going up to the poll, did you?—A. No, sir.

Q. On the occasion of this jostling, what was the first you saw?—A. I saw from the window of my room a rush of colored men and white men—a general commotion; and in perhaps a quarter of a minute the whole crowd rushed from the polls in the direction of my house.

Q. And you do not know, of your own knowledge, what the cause was?—A. No, sir.

Q. But you were told that some one had struck a colored man?—A. Yes, sir.

Q. They rushed toward the side of the square where you were?—A. Yes, sir.

Q. They went into a store?—A. Empty store.

Q. You saw no arms?—A. I did not see any arms outside.

Q. How many arms did you see?—A. I saw one gun, and saw the cannon.

Q. That you not only saw but heard, I should think?—A. Yes, sir.

Q. How long did that commotion last?—A. It may have lasted five or ten minutes.

Q. And that was the end of it?—A. Yes, sir; the colored people left, nearly all.

Q. Who was this man who said, "Put a bushel of big shot in the cannon?"—A. His name is R. S. Bowles, and an old citizen of that place, and I wish to correct myself there. I heard that only.

Q. Then you did not hear that yourself?—A. No, sir.

Q. And you did not know who did do it?—A. No, sir.

Q. They were not occupied then in receiving votes up till night there?—A. Yes, sir; they kept the polls open.

Q. But they did not take any more votes?—A. No, sir; not many.

Q. Who was inspector of the election-precinct?—A. S. S. Fairfield.

Q. Was he there when it occurred?—A. Yes, sir.

Q. Do you know of your own knowledge that he left then?—A. He crossed the public square pretty soon afterward. I afterward asked him if he returned, and he said he did not.

Q. But the polls were kept open till six o'clock, the legal hour?—A. Yes, sir.

Q. The colored men organized clubs in 1876, did they not?—A. They did.

Q. Did you address any of them?—A. Only twice; once in Grenada, and once outside, on the 4th of July.

Q. Do you know of any violence?—A. No, sir.

Q. You were not well you say?—A. Not well a portion of the time.

Q. What do you know as to intimidation? Did you hear any one threaten any of these colored men that they would lose their employment or suffer any detriment if they did vote in a certain way?—A. No, sir; not in my presence.

Q. But you have heard from others that there were occasions when men said they would not employ them if they voted the republican ticket?—A. Yes, sir.

Q. How many men told you that, can you tell me?—A. No, sir; I cannot; a large number of men over the country.

Q. Can you tell me about how many?—A. I cannot give you a very definite idea.

Q. Can you name any person?—A. I mentioned two instances.

Q. Well, any other persons?—A. I cannot call any other particular one.

Q. Of the two men, one was in the employ of the railroad company?—A. Yes, sir.

Q. What company was that?—A. Its road runs from Memphis to Grenada.

Q. After election he told you what?—A. He told me he was discharged on account of a speech he had made.

Q. Who was the controlling man of that railroad?—A. He was controlled, I understand, by the conductor.

Q. Who was the controlling party of the road—not the conductor?—A. The vice-president of the road lives in Memphis.

Q. What is his politics?—A. A very pronounced democrat.

Q. And the president?—A. McComb was president; I think he is in Delaware.

Q. Is he a democrat?—A. I think so, though I do not know. Those connected with it that I know are democrats.

Q. They had him discharged?—A. Yes, sir.

Q. Now the other man; who had him discharged?—A. Hickock and Powell, merchants of Grenada.

Q. He told you so?—A. Yes.

Q. You do not know of your own knowledge but that they may have discharged him for something else?—A. No, sir.

Q. You did not inquire of them anything about it?—A. No, sir.

Q. These are the only two men that you can name who complained to you about it?—A. They are the only men I recall. Another man named Reese—Robert Reese—said he had been refused credit by a merchant.

Q. Was he a man of property?—A. Yes, sir; he had given a lien on his property.

Q. You do not know that he would have been refused credit if he was a man of means?—A. He said, "I have only republican meat in my house."

Q. But you do not know of your own knowledge?—A. No, sir.

Q. Any other complaints?—A. Only general kind of complaints.

Q. How many deputy marshals were there at that poll? I believe you said six or seven.—A. Yes, sir.

Q. Was there any violence there?—A. Well, I was——

Q. You are a man of intelligence. Answer my question. Was there any violence?—A. I did not see any, speaking of my own knowledge.

Q. Were any of these marshals there?—A. Yes, sir.

Q. Were they there at the time of the commotion?—A. Yes, sir; for one of them came right over to my office.

Q. What were the names of the men who took you to the meeting?—A. One of them, I think, was named Charlie Yates, a one-armed man, and Stetham.

Q. Were they men living there?—A. Living in the country there.

Q. Do they own farms?—A. They live on farms.

Q. You know that?—A. Yes, sir.

Q. They came to your door and sent you word that they wanted to see you?—A. Yes, sir.

Q. Who brought you the word?—A. A woman in our employ.

Q. What did they say when you came out?—A. They said, "Go back and get your coat; we want you."

Q. Then what did you say?—A. I went and got it, and they said, "We want you to go to the club with us."

Q. What did you say?—A. I did not say much.

Q. There was no struggle?—A. No, sir; they did not beat me.

Q. They spoke civilly to you?—A. They did not threaten me at all.

Q. Did they not speak pleasantly?—A. Yes, sir.

Q. You know a man can say a thing pleasantly or in a gross, rough way.—A. Well, sir, it was not very threatening.

Q. I will leave it to you to say whether it was in a pleasant way or a rude way?—A. I say it was about between the two.

Q. And so you walked over with them and they brought you in?—A. Yes, sir; they took me along.

Q. They wanted you to go up on the platform, and you declined?—A. Yes, sir; the speaker seemed to address the speech to me. Some one said, "This man Price has charged Tilden with being a secessionist."

Q. Had you said so?—A. I had presented the letter of Tilden to Kent in a speech I had made.

Q. What was that? I never saw that.

Mr. TELLER. Why that was out in Colorado.

Mr. KERNAN. Well, it was not in our State.

Mr. TELLER. It was written in the fall of 1860.

Q. (By Mr. KERNAN.) You say they hallooed at you but did not threaten you?—A. Yes, sir; they did not threaten me much.

Q. You were there some twenty minutes, and you were told your wife had come for you, and they let you go?—A. Yes, sir.

Q. And Mr. Parker was the only man who called out at you?—A. He was the speaker; the man who called out about the secessionists was another man.

Q. Was he a democrat?—A. Yes, sir.

Q. Had he been a republican?—A. Yes, sir.

Q. When had he left the party?—A. He fell from grace the last year.

Q. You and he had acted together up to 1876?—A. Yes, sir; he was very zealous until he wanted to sell drugs or something of that kind.

Q. That negro on a mule performance, was that a daylight performance?—A. Yes, sir.

Q. What was it?—A. A party got them drunk and put them both on a mule; dressed them up and came from where they organized their crowd to the post-office.

Q. What time of the day?—A. Three or four o'clock in the evening, I think.

Q. Was it a boisterous noise?—A. Yes, sir. They thought Tilden was elected.

Q. Hurrahing, &c.?—A. Yes, sir; "carpet-baggers were done with," and all that.

Q. What was the song?—A. It was a kind of chorus, fitted up to suit the crowd.

Q. Did they not go to the Walter House and sing the song?—A. I could not say; it was not a song which was so bad, but the filling up of it.

Q. They staid there how long?—A. About half an hour.

Q. How much of a crowd?—A. About forty or fifty, and they shouted, "Good-by, old carpet-bagger!"

Q. There were no arms?—A. No, sir.

Q. And no violence?—A. No, sir. Rather tumultuous than violent.

Q. Expressions like "good-by, old carpet-bagger?"—A. Yes, sir.

Q. Now this Mr. Crowder; who was he?—A. He was chairman of the democratic club.

Q. He wanted to have a division of the time?—A. Yes, sir.

Q. And said you were very strong with them?—A. Yes, sir. My

name, he said, would get the colored people there, and I would not agree to that.

Q. Were there any other insults offered to you or your wife than what you have described?—A. No, sir. I left and went away from there about three weeks after that, and there was nothing more before I left.

Q. Can you name any person among the orderly people, of your own knowledge, who treated your wife with indecorum, or yourself either?—A. Mr. John D. Hughes, a responsible man, and a druggist there, insulted her there.

Q. When was that?—A. Since I left.

Q. Where is your wife now?—A. In Michigan.

Q. Who was that man who called her a liar; Baker?—A. Not Baker who insulted her. He asked for a letter for Baker.

Q. What was his name?—A. Talbert.

Q. Was he a resident there or a transient man?—A. He was not a transient man.

Q. Was not that man arrested a week prior for disturbing a democratic meeting?—A. I did hear that he was arrested. I know the man he lived with, a very responsible man.

Q. The fire that burned your building did not originate in your own building?—A. That did not.

Q. Did those buildings belong to you?—A. I built the whole building on a ten years' lease, and the post office and room adjoining it were my own individual property. The other rooms, or other part of the building, would revert back in ten years to the owner.

Q. The fire originated in another building?—A. Yes, sir.

Q. Was there any mortgage on it?—A. No, sir.

Q. A lien upon it?—A. About one hundred and fifty dollars.

Q. You don't know how the fire originated?—A. No, sir. I never could find out.

Q. Were there several buildings between yours and where the fire originated?—A. Only one. It was the next building but one.

Q. To whom did that building where the fire originated belong, a republican or democrat?—A. A democrat.

By Mr. MITCHELL:

Q. What was the politics of the gentleman who occupied the building adjoining this one where the fire is supposed to have originated?—A. I supposed him to be a republican.

By Mr. KERNAN:

Q. The owner of the building where the fire originated you understood to be a democrat?—A. Yes, sir; the owner.

Q. He by whom it was occupied you supposed to be a republican?—A. Yes, sir.

Q. Was the young man who inquired for Baker's letter and answered your wife rudely, as you described, arrested for that?—A. My wife sent for the marshal, and he brought the young man there.

Q. To your wife?—A. Yes, sir; and the mayor also after a while came there. He was not taken before the mayor—he came into the office and the mayor also came there.

Q. What was done?—A. The young man when he was brought before her said he hoped she would forgive him.

Q. Was he drunk?—A. No, sir. He said he did not know it if he did; but if he did use the language, he hoped she would forgive him.

Q. Was he not arrested by the marshal?—A. No, sir.

Q. He apologized to her?—A. Yes, sir.
Q. Did she express herself satisfied?—A. I do not know.
Q. This marshal—is he a republican?—A. No, sir.
Q. Is the mayor a republican?—A. No, sir.
Q. Both democrats?—A. Yes, sir.
Q. What do you know of an assault some three months ago on Mr. Kelly upon the street?—A. I was here at the time.
Q. Then you have no knowledge that he was assaulted?—A. No, sir; only through letters from my wife and others.
Q. Where is he?—A. In Mississippi.
Q. Now, you have no knowledge of it at all, except what he says himself?—A. I have a letter giving a description of it.
Q. You have no knowledge of his having been assaulted except what you have heard since you have been here?—A. That is all.
Q. When did you leave Mississippi?—A. About six weeks ago.
Q. Left for good?—A. I presume so.
Q. Was there any violence that caused you to leave?—A. Only that stated.
Q. I ask you a fair question, whether there was any violence toward you?—A. No, sir.
Q. What is your idea about where you will live?—A. I have not decided.
Q. You left before you were subpœnaed?—A. Yes, sir.
Q. Are you occupying a position here?—A. No, sir; I was for a short time in the Treasury Department.
Q. In what capacity in the Treasury Department?—A. I was a clerk there.
Q. You were not subpœnaed from Mississippi?—A. No, sir.
Q. Were you not charged with something wrong, embezzling cotton or something of that kind, out of which grew an indictment upon which you were tried?—A. I was never indicted.
Q. Were you arrested?—A. No, sir.
Q. What was there about it in any way?—A. It was in connection with a bankrupt suit which was tried, and I was acquitted of all blame in the matter.
Q. You can tell me what it was, whether an assault or battery, or what. What was this allegation? What was the charge made against you?—A. In 1868 I failed in business. I was planting cotton. In connection with a chancery suit there were four bales of cotton which a merchant claimed to have a lien on. A portion of the cotton was sold to pay the expenses of the bankruptcy, and a man claimed that he had a right to the cotton and the mortgage lien. The merchant, however, had been paid in full, as I understood. He had been paid up in full at the time, but he claimed the whole of it.
Q. What was the proceeding taken against you in which Mr. Wharton was interested?—A. It was at Memphis.
Q. Was there not some criminal proceeding commenced?—A. No, sir; I do not know of it.
Q. Were you not arrested for trying to get the cotton off and disposing of it?—A. No, sir; it was a matter of civil suit, which was tried in Memphis.

By Mr. MITCHELL:

Q. Were you acquitted?—A. Yes, sir.
Q. It was simply a civil matter?—A. Yes, sir.
Q. You were exonerated from all blame?—A. Yes, sir.

Hon. JOHN R. LYNCH sworn and cross-examined

By Mr. MITCHELL:

Question. Where were you born?—Answer. In Concordia Parish, Louisiana.

Q. What is your age?—A. Twenty-nine years.

Q. Were you born free or a slave?—A. A slave.

Q. How long did you remain in slavery?—A. I was liberated as the result of the war.

Q. Where do you now reside?—A. In Natchez, Miss.

Q. How long have you resided there?—A. I have resided there continuously since 1863.

Q. Did you reside in the State of Mississippi prior to that time?—A. Alternately in Mississippi and Louisiana.

Q. What offices have you held in the State of Mississippi under the State organization?—A. Justice of the peace and member of the legislature.

Q. Have you not been speaker of the house of representatives?—A. Yes, sir; one term.

Q. What office do you now hold?—A. Member of Congress.

Q. From the State of Mississippi?—A. Yes, sir.

Q. How long have you been a member of Congress?—A. I am now serving my second term.

Q. The term expires on the 4th of March?—A. Yes, sir.

Q. What counties constitute your district?—A. The counties of Claiborne, Jefferson, Adams, Wilkinson, Copiah, Franklin, Amite, Lincoln, Pike, Hancock, Harrison, Jackson, Greene, Marion, Perry, and Pearl. It embraces the southern end of the State.

By Mr. KERNAN:

Q. The extreme southwest?—A. It embraces the extreme southern end, on the Alabama and Louisiana lines. That is the district from which I was elected.

By Mr. MITCHELL:

Q. When were you first elected?—A. In 1872. And from the same district in 1875.

Q. What was your majority in 1872?—A. My majority in 1872 was a little over 6,900; I do not remember now the exact figures.

Q. What was your majority in 1875?—A. 231.

Q. Has your district been changed?—A. Yes, sir.

Q. When was that change made?—A. It was changed by the present legislature.

Q. At what session?—A. Last year.

By Mr. KERNAN:

Q. Before the election of 1876?—A. Yes, sir.

By Mr. MITCHELL:

Q. What counties constitute the present district; how many counties?—A. Eleven.

Q. Does it consist in part of a portion of your present district?—A. Yes, sir.

Q. How many of the counties of your present district are included in the new district; how many counties of those you now represent are included in the new district?—A. Of the eleven counties in the new district, four were in the old.

Q. Describe the new district, as to locality.—A. It embraces every county on the Mississippi River and one county not directly on it.

Q. What is the population of the present district?—A. I do not remember the exact population of the district.

Q. Did you know the number of registered voters in that district?—A. I have the registered vote of several counties, but not of all of them.

Q. Please give the registered vote of as many counties as you have of the present district.—A. I find it to be a very difficult matter to get the information from some of the counties. The registration was conducted in some of them in a very peculiar way.

Q. Were you the republican nominee for Congress at the recent election in the new district?—A. I was.

Q. Who was your competitor?—A. James R. Chalmers.

Q. When did the campaign open?—A. It was opened by the democrats early in the summer.

Q. State whether you took part in the campaign?—A. I did.

Q. Now describe, briefly, any acts of violence or intimidation practiced by the democrats during the campaign of 1876 in your district.

Mr. KERNAN. Distinguish what you know and saw from what you heard from others.

A. Well, from all the information that I could obtain, violence was confined chiefly to two counties.

By Mr. MITCHELL:

Q. Which counties were those?—A. Claiborne and Jefferson. Violence was also used to some extent in a few other counties, but in a much modified form; there was not so intense a feeling.

Q. Proceed and state what acts of violence and intimidation were practiced in these two counties, Claiborne and Jefferson?—A. In Claiborne and Jefferson Counties a perfect reign of terror prevailed during the campaign up to and including the day of election.

Q. How long preceding the election did this reign of terror commence?—A. In Claiborne, I think it was continuous from the election of 1875. I do not think there was any cessation throughout the campaign.

Q. How about Jefferson?—A. In Jefferson County it was inaugurated early in the year 1876.

Q. Describe, in your own way, the character of this reign of terror and the acts constituting it?—A. In the first place, the democratic party in these two counties was an armed military organization, brought into existence for aggressive political purposes. They would allow no republican meeting to be held and no republican speeches to be made by anybody; I speak now of a few weeks preceding the election. That was not true of Jefferson County at the beginning of the campaign. I had an appointment to speak at Port Gibson, which is in Claiborne County, on Saturday, October 21. I did not arrive there until about eleven o'clock in the day. When I arrived there I found that a great deal of excitement was prevalent. The town was filled with armed democrats, and I felt that there was a great deal of danger that that excitement would culminate in a riot if I should attempt to make a speech. I rode up in the midst of the men whom I saw in town and inquired for the sheriff, who is also a democrat, to inquire what the trouble was, and I asked him as chief peace officer of the county if he could guarantee a peaceable meeting.

Q. What did he say?—A. We conversed for a while on the situation, and he finally concluded to call out three or four of his aids, as he termed them, to accompany him and myself to the place designated for

holding the meeting. We went there. I called the colored people together who had assembled, and told them that a great deal of excitement was prevalent there, and that if the sheriff, as chief peace officer of the county, would guarantee a peaceable meeting, we would go on and have it; otherwise we would not. I requested them to listen attentively to anything that the sheriff might say. He stated that he could not guarantee a peaceable meeting, but that he would do all he could to secure one.

Q. What is his name?—A. His name is Buck. I do not remember his Christian name. He stated that trouble had originated from the indiscretion of some leading republicans, and that he could not guarantee that everything would go off peaceably; but that he would do what he could. This was not accepted as satisfactory by several of the leading republicans who were there. I then went again to the sheriff, who was at the place with his aids, for the purpose of further discussing the situation, and in the course of our conversation one of the gentlemen remarked that they did not intend to allow the democratic party or its candidates to be slandered, and if I made a speech which they felt called upon to object to I would be given the lie, and be liable for the consequences. I understood from that that I would not be allowed to talk without interruption. Something else occurred—not of very great importance, however—in the course of the conversation. But the conversation satisfied me that it was the settled purpose of the armed democracy of the county not to allow a peaceable meeting.

By Mr. KERNAN:

Q. Please state what it was that satisfied you of that?—A. That was from what the aids said to me in the presence of the sheriff.

By Mr. MITCHELL:

Q. From what they stated to you you were satisfied that they would not permit a meeting to be held?—A. Yes, sir; I then directed one of the gentlemen to call the colored people together and disperse them, as I did not want any trouble.

Q. You authorized the disbanding of the meeting without speaking?—A. Yes, sir. I then went into town and saw the captain of the Federal company of soldiers that was there, and he informed me that an agreement had been made the day before, between himself and some of the leading democrats, that their men should not come to town on that day armed.

Q. Democrats?—A. Yes, sir; and they had violated their agreement by having their men come to town armed. I expressed a good deal of indignation at the manner in which they acted.

Q. Now, describe the number and appearance of those armed men that you found there when you went to that place.—A. I cannot give the number, but they seemed to be quite numerous, and I should suppose over a hundred.

Q. Were they uniformed?—A. They did not seem to be uniformed except that they appeared to have badges of some kind.

Q. Were they armed?—A. I could see pistols strapped on them, and they had sticks and clubs.

Q. What were they doing?—A. They were on horseback.

Q. Mounted?—A. All mounted.

Q. Presenting a military aspect?—A. When they marched off from the town, they marched as if in a military style. I did not see any one commanding, but they seemed to be under pretty good discipline.

Q. You arrived there about eleven o'clock, you say?—A. Yes, sir.

Q. How long did this military procession continue?—A. They were in a regular military procession until they marched from the meeting.

Q. How did they act, and where did they go?—A. When I arrived there they seemed to be promiscuously in the town.

Q. They were not in regular military style, then, until they marched off?—A. When I went with the sheriff to the designated place for holding the meeting, which was some distance from the court-house, they remained in town, and until the meeting had been dispersed, and I started for town, and then I saw them starting toward the place which had been designated for holding the meeting.

Q. And then they were in military order. How many were assembled to hear you?—A. Some three or four hundred.

Q. Principally colored people?—A. Principally so.

Q. Were these armed men all white?—A. Yes, sir; so far as I could see. If there were any among them unarmed, I could not see them.

Q. Had you any other appointment to speak in that county?—A. No other.

Q. You did not speak in Claiborne County during the campaign?—A No, sir.

Q. How about Jefferson County?—A. I had two appointments to speak; one at Rodney, and one at Fayette.

Q. Did you speak?—A. At neither place.

Q. Why?—A. When I arrived at Rodney, I called for the mayor of the town, who was a democrat, and asked if there would be any trouble there, and he said he thought not; but their club would meet that night, and he would lay the matter before the club.

Q. The democratic club?—A. Yes, sir; and would let me know their decision the next morning. I went to his office the next morning to know what the club had decided upon, and he told me that he had introduced a resolution reciting that it had been rumored that I would not be allowed to speak, and resolving that I should not be interrupted, and that resolution had been voted down. I was not aware until that day that the democrats had appointed the same day and place for a meeting of their own. I was then informed that they would have a meeting at the same time and place; and so as early as nine o'clock the democrats began coming in.

Q. How long had your meeting been announced?—A. A month or two.

Q. How long had the democratic meeting been announced?—A. I did not know they had announced a meeting until that time.

Q. Do you know now?—A. I have never seen the announcement. Several democrats have told me that they had appointed a meeting there, before they knew that I had appointed one. They came in as early as nine o'clock, from all parts of the country with arms; each man had a pistol on him which I could see.

Q. How did they carry those pistols?—A. With straps buckled on them.

Q. Were they exposed to view?—A. Yes, sir. The colored people came in also, several hundred strong, and they marched into town, and the mayor seemed to become seriously apprehensive of a collision. I went to him and asked what he thought best to do; as he was chief peace-officer of the corporation, I wanted to be governed a good deal by his replies. He said as there were a good many armed men in the town, he was apprehensive that an attempt on my part to hold a meeting would result in bloodshed, and, as chief officer of the peace, advised

me not to hold a meeting, but to desist. This advice was concurred in by several democrats and republicans.

Q. What was the mayor's name?—A. Bintark.

Q. You abandoned the idea of speaking?—A. Yes, sir; but requested the colored people to meet at Fayette on the following Saturday, as I had a meeting appointed for that day.

Q. And that announcement had also been announced for some time?—A. Yes, sir; at the same time.

Q. In that connection, I will inquire of you if your announcements were made in the newspapers?—A. Yes, sir; published in the newspapers.

Q. Very well. About how many armed men were at Rodney that day?—A. I suppose between three and five hundred.

Q. Were they mounted?—A. Yes, sir; a majority of them were; full two-thirds of them were.

Q. How did they conduct themselves?—A. No; I cannot say in a violent manner, but had violent appearance by having pistols on them. They did not use any epithets; that is, make any threats or anything of that sort. They simply paraded the streets, each man having his pistol on him.

Q. Did they have a commanding officer?—A. Each club had its officer.

Q. Did these clubs have officers?—A. That is what I supposed they were.

Q. They were whites?—A. Principally whites; some few colored men.

Q. Did they hold a meeting that day?—A. They held one.

Q. At the time you had announced to speak?—A. The same day.

Q. The same place?—A. Yes, sir.

Q. At the court-house, was it?—A. No, sir; in an open space.

By Mr. KERNAN:

Q. Was your meeting to be upon the same spot?—A. The spot had not been announced.

By Mr. MITCHELL:

Q. Did you attend the meeting?—A. No, sir; I proposed to have a joint meeting in connection with theirs, and allow me to speak and represent the republicans at their meeting.

Q. You made that proposition?—A. Yes, sir.

Q. What fate did that proposition meet with?—A. They rejected it.

Q. Did you advise your republican friends to go home?—A. Yes, sir.

Q. Why?—A. Because I was satisfied I could not make a speech with safety, and the best thing for them to do was to go home.

Q. What was the number of speeches made that day?—A. I do not know; I suppose two or three.

Q. Did you go to Fayette the next Saturday?—A. Yes, sir; I went to Fayette; but before relating what occurred at Fayette, I will state that while at Rodney I saw a leading democrat, W. H. Truly by name, who was at that time the editor of a paper at Fayette. I asked him if he thought I could speak at Fayette without interruption. He said he thought not. I asked him, why? "Well," he said, "the republican party of Jefferson County is at present disorganized, and if we allow you and other radicals to make speeches, what is now an unorganized party will be organized, and we will be defeated, and therefore we are opposed to allowing you to make a speech at all."

Q. Giving you to understand that you would not be permitted to speak?—A. Yes, sir; giving me to understand that while not personally opposed to me he would not allow any republicans to speak.

Q. What position did he hold?—A. Editor of the paper there, and leading man of the county.

Q. Did he hold any position?—A. None that I know of.

Q. What did you do?—A. Another gentleman, who was present, a republican, I think, addressed Mr. Truly: "From what I can understand of your remarks, you are opposed to free speech." He said, "For the present I am." Others said he did not represent their sentiments.

Q. Who was this man you referred to?—A. Mr. Sessor made this remark: "I understand from what you say that you are opposed to free speech." That was in the way of an inquiry; and Mr. Truly answered, "For the present I am." Several others told me that Mr. Truly did not reflect their sentiments, and if I would come I would be allowed to speak.

Q. This was at Rodney?—A. Yes, sir; I told them I would be certain to come; but I would find out whether they or Mr. Truly represented the party.

Q. Did you go?—A. I arrived at Fayette on Friday evening; remained all night; and early next morning, I suppose as early as nine o'clock, the democratic club began to come in, just as they did at Rodney. I then saw a notice that a democratic meeting would be held that day, and certain gentlemen would speak. That was the first intimation I had of that democratic meeting.

Q. Was it a written notice?—A. I think it was written. They came in just as at Rodney—paraded the streets, yelled, fired cannon, &c.

Q. Armed?—A. I did not see their arms, as before. Each club had a wagon with fodder. The colored men said these wagons contained guns; but they seemed to be sufficiently familiar with the situation to know what was in those wagons. I did not know. They came in, marched around the town, yelled, cannon firing, and went on down at a high rate. After several colored men had assembled, I went with them to the place designated for holding the meeting, for the purpose of proceeding with what had called them together. At last the meeting was called together by Mr. Howe, a leading republican of the county. But before proceeding I asked him to invite some of the leading democrats to take seats on the stand. Meantime these democrats had all gathered around the place.

Q. These clubs that you speak of?—A. Yes, sir; they all gathered around, and they asked permission to get within hearing distance to hear my speech. We granted that request, and saw to it that several leading men had seats before we proceeded. Mr. Truly asked to be permitted to make a few remarks. He said that this was not his day nor his meeting, or words to that effect; but that it was the policy of the democratic party of Jefferson County to allow no misrepresentations to be made; and if any misrepresentation should be made, the discussion should cease then and there. That was the substance of his remarks.

Q. Proceed.—A. I then took the stand and attempted to proceed with my remarks, but before I had spoken a minute or two they commenced to yell at the top of their voices, so as to drown out every word I attempted to utter.

Q. The democrats did?—A. Yes, sir.

Q. A general yell?—A. A general yell. When I would attempt to make a remark, before I could complete a sentence they yelled at the top of their voices and drowned it out. Judge Shackleford then

took the stand and made an earnest appeal to them to allow me to proceed; that he saw before him a large number of colored people, a larger number than he could get together himself for the purpose of listening to a speech from him, and he was anxious to address the colored people himself on the political issues of the day, and he felt assured that if his friends, the democrats, would allow me to proceed he could induce the colored people to remain and hear him. To this I assented; I had no objection to their meeting. Mr. Truly took the stand again and wanted to know if this was a joint discussion; if so, it was contrary to what he understood the policy of the democratic party of Jefferson County, and, if so, he wanted nothing more to do with it. His remarks were received with great applause.

Q. How were Judge Shackleford's remarks received?—A. They did not receive any applause at all. That satisfied me that Mr. Truly and his element and not Judge Shackleford and his element represented them. I made another attempt to proceed, but with the same result. After trying for about thirty or forty minutes, I gave way to a motion to adjourn. That ended my attempts at holding meetings in Jefferson County.

Q. Were you insulted by anything excepting that attempt to drown your voice?—A. No, sir. There was no personal indignity, nothing of that sort, no violence; but simply a settled determination not to allow republican speeches by myself or anybody else.

Q. Did nobody speak after you?—A. The democrats had a meeting of their own.

Q. At the same place?—A. No, sir; at another place.

Q. That was an orderly meeting?—A. So far as I know, it was.

Q. About how many people were there that day, all told?—A. Three or four hundred colored people, I think, and perhaps the same number of whites.

Q. About how long before the election did these meetings, or attempted meetings, at Fayette and Rodney take place?—A. The one at Rodney was the 24th of October.

Q. The other was the next Saturday, the next day?—A. Yes, sir.

Q. This was in Jefferson County?—A. Yes, sir.

Q. Both places?—A. Yes, sir.

Q. Did you make any other attempts to speak in the county?—A. No, sir.

Q. Did you speak in all the other counties?—A. Except those two, and one where I had no appointment. I spoke in all other counties, where I was not interrupted except one.

Q. Now describe further, if you wish, the character of the reign of terror in these two counties aside from what you have said.

Mr. KERNAN. Distinguish between what you have seen and what you have heard.—A. Jefferson was one of the few counties in the district where we had a fair election in 1875, where we did not in 1876. In 1876, the contagion spread so that the few counties which accidentally had a fair election in 1875 were not allowed to have that privilege in 1876. The terrorism was greater in some counties than in others; for instance, there was not such a reign of terror as to actually prevent colored people from voting, except in those two, and in Warren, where they would not allow them to register. But this terrorism was so intense, and especially in Claiborne, as in my judgment to make life, liberty, and happiness perfectly insecure except to democrats. I do not think there is any such thing as law in that county.

By Mr. KERNAN:

Q. In Claiborne County?—A. Yes, sir; and in Jefferson now.

By Mr. MITCHELL:

Q. You say in 1875 the election in Jefferson County was comparatively a fair one?—A. Yes, sir.

Q. What was the result of the election in 1875 in Jefferson County?—A. The republican vote was 1,922, democratic vote 678.

Q. One thousand two hundred and forty-four republican majority in 1875?—A. Yes, sir.

Q. And the total vote 2,600?—A. Yes, sir.

Q. Now state, if you know, the result of the vote in Jefferson County last November?—A. The last returns were 420 republican, 1,545 democratic.

Q. About eleven hundred and odd democratic majority, then, in 1876?—A. Yes, sir.

Q. What had been the republican majority in Jefferson County for a few years preceding 1875?—A. In 1869 the republican vote was 1,919; democratic, 415; in 1871, republican vote, 1,651; democratic, 624.

By Mr. KERNAN:

Q. This is all Jefferson County?—A. Yes, sir. In 1872, republican, 1,698; democratic, 454.

By Mr. MITCHELL:

Q. State about how the voting population of Jefferson County is divided with respect to color, if you know?—A. The colored element is largely in the majority. The registration last year stood 2,154 blacks and 786 whites.

Q. Out of 2,154 blacks registered as voters in Jefferson County at the election in 1876, there were but about 400 republican votes cast?—A. Yes, sir.

Q. What do you know, if anything, about republicans in that county or in Claiborne County being intimidated into voting the democratic ticket?—A. Well, in Jefferson the vote polled or the vote as counted aggregated nearly a thousand less than the registration. It fell off nearly a thousand. The total vote polled was about 975 less than the total votes registered. In consequence of the terrorism prevalent in the county, I think there was a very light republican vote polled, but I am satisfied that there were more republican votes polled than were counted.

Mr. KERNAN. I object to your stating that unless you know it.

A. Well, that is my opinion; of course, if you do not want it, I will withdraw it. As to other counties I can give my positive knowledge. In that county it was an opinion.

Q. (By Mr. MITCHELL.) Now, as to Claiborne County?—A. They positively refused to register between ten and twelve hundred men.

Q. State what you know about that.—A. Well, the board of registrars, which consisted of two democrats and one republican——

By Mr. KERNAN:

Q. Were you there, and do you know about that?—A. No, sir; I was not there.

By Mr. MITCHELL:

Q. Is it a matter of general notoriety?—A. Yes, sir; a matter of notoriety.

Mr. KERNAN. I must object to this as not competent evidence.

(Objection overruled.)

eve

A. I will make a statement additional to hearsay. I am personally familiar with the politics of the two counties, so that when I find that the registration of colored men in 1876 is not more than half what I know the vote to be, it is reasonable to suppose that I would investigate as to the cause of it.

WASHINGTON, *January* 18, 1877.

Hon. JOHN R. LYNCH'S examination continued.

By Mr. KERNAN:

Question. The investigation you were speaking about when your testimony closed yesterday was in reference to Claiborne County?—Answer. In reference to Claiborne County only.

By Mr. MITCHELL:

Q. Please state the republican majority in Claiborne County in 1872, if you know.—A. I have the vote here. The republican vote in 1872 was 2,238; the democratic vote was 486.

Q. What was the vote in Claiborne County in 1875?—A. In 1875 the vote as returned is 1,049 democratic, 496 republican.

Q. Now state the vote at the last election in 1876 in Claiborne County.—A. In 1876 the vote as returned is 1,498 democratic, 426 republican.

Q. State the relative proportion of white and colored voters in Claiborne County, if you know.—A. There are about 2,500 colored men in Claiborne County, and not exceeding 1,000 whites; I have the registration here of last year.

Q. Give that, if you please.—A. That, as I said yesterday, is incomplete. The registration for 1876 is 917 whites, 1,279 blacks.

Q. You say that that is not a correct registration?—A. It is not; there are ten or twelve hundred colored men not registered. I do not give the exact figures as to the number who were not registered. That is a matter of estimation.

Q. State if you know anything of your own personal knowledge of frauds in registration in the State of Mississippi in the election of 1876.—A. I can speak more positively of the sixth congressional district, as I canvassed in that and made it the subject of investigation.

By Mr. KERNAN:

Q. That was your own district?—A. Yes, sir. To recapitulate on the question of violence and also on registration, I will state that violence was resorted to by the democrats in several counties in the district, but it was not sufficiently intense to produce terrorism and prevent the people from voting generally as they desired, except in two counties.

By Mr. MITCHELL:

Q. Those were Claiborne and Jefferson?—A. Those two counties are Claiborne and Jefferson. The registration was conducted with reasonable fairness and impartiality in all the counties of the district except two. Those two exceptions are Claiborne and Warren. In Warren and Claiborne Counties fully four thousand colored men and republicans were positively denied the right to register.

Q. Do you know in what way or upon what pretense these colored voters were denied the right of registration in Warren and Claiborne counties?—A. I know from the information that I received.

Q. State all you know on the subject.—A. In Warren County the bulk of the colored vote is in what we call the rural districts—the country precincts. The proportion of white and colored voters is very largely in favor of the colored in the county outside the city of Vicksburgh, which is in Warren County. The bulk of the democratic vote of the county is in Vicksburgh. The registrars, when they visited the country precincts for the purpose of registering voters, would require of each voter to answer affirmatively as to the section, township, and range in which he lived—questions that one white man out of every one hundred, in my judgment, could not answer affirmatively. Whenever the voters would fail to answer affirmatively to any of these unauthorized questions, they were told to step aside. Of course they could not answer, neither white nor black, except a few. They applied the rule, however, in the country districts to white and black alike. This mode of procedure, I understand, was adopted in all of the country districts with, possibly, one exception; but when they registered in the city of Vicksburgh, they asked no such questions, required affirmative answers to no such questions whatever; and thus every white man who desired to register was enabled to do so, while fully two thousand or more colored men were denied the right to register.

Q. Do you know how many precincts there are in Vicksburgh?—A. Vicksburgh is divided into wards. I think there are four wards.

Q. Four places of voting?—A. That is my impression. I am not particularly familiar with it, but that is my impression.

Q. An applicant for registration, then, in Vicksburgh, as you understand, was not required to state the particular part of the ward he lived in?—A. He may have been required to do that.

Q. But not the section or township?—A. No; he was not required to tell that. My information is, that they did not ask any questions of them at all. To some of them they did not even administer an oath; but in the country precincts, if they could not answer affirmatively as to the particular section, township, and range on which they lived, they were told to step aside; and this, it will be remembered, was not authorized or required by the law.

Q. Was it claimed by the board of registration that a fair construction of the registration-law of the State of Mississippi required those questions to be put, or was it in pursuance of rules established by themselves?—A. They claimed that it was their construction of the law; but I heard of that construction being placed on it in no other county in the State.

Q. Except Warren?—A. Except Warren. I think that is the only county in the State. I know it is the only county I have any knowledge of where that construction was placed on it.

Q. The only county in your district where that construction was placed?—A. The only county in my district.

Q. How many colored voters in Warren County were denied the right of registration?—A. I am confident not less than three thousand. I put it at three thousand, because that is the lowest estimate.

Q. What was the whole vote in Warren County in 1872?—A. I have it here. In 1872 the republican vote in Warren County was 4,729; the democratic vote was 1,285.

Q. In 1875 what was the vote?—A. In 1875 the vote as returned was democratic, 3,606; republican, 2,042.

Q. Now what was it in 1876?—A. 1876—and this is the vote for Congressman in 1876—democratic, 2,043; republican, 615.

Q. State anything you know about the vote of 1875.—A. I believe

it is generally admitted that that was the result of fraud. Senators Bayard and McDonald so state in their minority report.

Q. From what you know of the voting population in the three counties of Claiborne, Jefferson, and Warren, you may state what, in your judgment, would be the vote in those three counties respectively, on a fair, full, and free expression of opinion at the ballot-box, free from intimidation and fraud.

Mr. KERNAN objected to the question. The committee overruled the objection.

A. For the republican vote in the three counties, I think the vote of 1872 would be a fair estimate. I think, if anything, the republican vote would exceed in each of the counties what it was in 1872; but it would not certainly be any less. The republican vote in 1872, in each of these counties, can be accepted as a reasonably fair test of the strength of the party. I am satisfied it would not have been less; if anything, it would have been more, at the last election.

Q. (By Mr. MITCHELL.) Has not the colored vote largely increased in that district since 1872; or how is that?—A. The general impression is that it has increased; I do not know that it has largely increased.

Q. In 1872 did the colored people vote pretty unanimously for the republican ticket, so far as you are advised?—A. They voted generally the republican ticket. Of course there are always some colored men who vote the other way.

Q. But a very small proportion?—A. Yes, I presume so.

Q. About what proportion?—A. It is very small. In 1872 I should not think there were over a hundred colored men out of a thousand who voted the democratic ticket.

Q. Do you know of any voluntary change of political sentiment among the colored people in these counties, Claiborne, Jefferson, and Warren, in 1876?—A. If there was any voluntary change at all, my impression is it would be more in favor of the republicans than otherwise. My impression is that they voted the republican ticket in localities where they were allowed to vote at all, with as much if not more unanimity than before.

Q. Do you know how many colored voters were registered in Warren County in 1876?—A. I will state that the information in Warren County is not easily accessible, for reasons which are known perhaps by the registrars and their friends there. They have never made publicity.

Q. State the difficulties in obtaining the registered vote.—A. The gentleman whom I requested to furnish the information said he had some difficulty in obtaining it, and explained to me the difficulties. He is one of the witnesses and can state it better than I can, perhaps. From all the information I can get, the registration in Warren County for last year is 1,689 blacks and 2,019 whites.

Q. And the republican vote in that county was 615?—A. Yes, sir; on Congressman; it was a little more for presidential electors.

Q. What, if you know, is the reason that so large a number of registered colored voters in Warren County did not vote at this election?—A. Because they were not allowed to register.

Q. But, I ask now, why so large a proportion of those who were registered did not vote?—A. At the Davis Bend box the inspectors that were appointed to conduct the election did not attend. The voters, however, selected, so I am informed, certain persons from among their numbers to act as inspectors; and they, with the regularly appointed clerks, proceeded to hold the election. At that precinct there were a little over 400 republican votes and about 5 democratic votes polled; and

the returns from that precinct were rejected by the county registrars, thrown out entirely, because, as they alleged, the regularly appointed inspectors did not attend, as, in my opinion, they were instructed.

Q. You believe that to be a part of the game to destroy the vote of that precinct?—A. I am satisfied of it. That accounts for about 400 of the 1,689 colored men registered.

Q. They did actually vote, then, and their votes were rejected?—A. Yes, sir. Then my information is that at several voting precincts numbers of them were denied the right to vote on technical grounds; the name, for instance, being somewhat different in the book from what they gave it in, or something of that sort; and then at one or two precincts there were some republican tickets taken out of the boxes and democratic tickets substituted in their stead.

By Mr. KERNAN:

Q. Do you speak of this from your own knowledge or merely from what you heard?—A. Not from personal knowledge.

Mr. KERNAN. I do not think such things ought to be taken down. I must be regarded as objecting.

The WITNESS. Speaking of Davis Bend, of course I know, for it is a matter of public record that the votes were rejected.

Mr. KERNAN. I do not complain of testimony that that poll was not canvassed, but it was the other matters of opinion that I objected to.

Q. (By Mr. MITCHELL.) What effect did the conduct of the armed clubs that you have spoken of in these counties have in reference to preventing registered republican voters from attending the polls and voting, if any?—A. I think it had the effect I have already described in two counties. I do not think it had the effect of preventing a pretty full vote in the others. If you want to know the frauds that were practiced I can give my own personal knowledge as to one county.

Q. State it.—A. To make my position clearer on the question of frauds and violence, &c., I mean to say that, with the exception of the three counties referred to, Claiborne, Jefferson, and Warren, there was a reasonably full vote polled by both parties.

Q. You mean in your district?—A. I refer to that district; with the exception of these three counties a reasonably full vote was polled by both parties.

Q. And a reasonably fair vote, do I understand you?—A. No; I have not come to that point yet. I say a reasonably full vote was polled by both parties in all the counties of the district except those three; and I have no hesitation in expressing it as my opinion, if you desire it, that the votes as polled in the district, in spite of the disfranchisement of 4,000 colored voters in two of the counties, and the violence that was resorted to in two, the republicans had a majority of the votes polled of from 3,000 to 5,000 in the district.

A. Of the votes actually polled?—A. Yes; of the votes actually polled. That brings us to the question of fraud.

Mr. KERNAN. That is your opinion?

The WITNESS. Yes.

Q. (By Mr. MITCHELL.) The final count was different?—A. Yes, sir.

Q. By how much majority were you beaten, according to the final count?—A. Four thousand six hundred.

Q. Now, explain how that was brought about.

Mr. KERNAN. Confine yourself to personal knowledge.

The WITNESS. Now, you want my own personal knowledge about frauds. I will give that. In my own county, which is the county of

Adams—and perhaps you would like to know the voting statistics of that county before we enter into that?

By Mr. MITCHELL:

Q. I wish you would give them.—A. In Adams County, in 1872, the republican vote was 2,972; democratic vote, 811. In 1875, the republican vote was 2,626; democratic vote, 793. In 1876, the republican vote for Congressman was 2,265; democratic, 1,684. Now you want to know how that change was brought about?

Mr. MITCHELL. I should be very glad to know.

By Mr. KERNAN:

Q. Do you propose to give that on information?

A. On personal knowledge first.

By Mr. MITCHELL:

Q. Can you give the registration of Adams County in 1876?

A. Three thousand one hundred and thirteen colored, or about that, and about 965 whites.

Q. Now proceed to explain the frauds practiced, if any.

Mr. KERNAN. First confine yourself to personal knowledge.

A. The election was conducted with reasonable fairness at six of the eight election precincts in Adams County. At two of the precincts, Washington and Kingston, frauds were committed. I was not at Washington and I do not state that from being present myself, but at Kingston I was present, and I will go on and state that.

The republicans accept the result in the county as fair, except at those two precincts. I was at the Kingston precinct myself from the time the polls opened in the morning until about two o'clock in the afternoon. At that precinct there were a little over 500 voters registered, about 54 of that number being white men. Up to two o'clock, when the registrars took a recess for dinner, 361 votes had been polled. About 300 of that number were republican votes. I say "about," because I know it is not less than that; if anything it is more. Now you want to know how I know.

Q. (By Mr. MITCHELL.) State how you know that.—A. The voters would come to me by dozens for me to personally inspect their tickets, and see if they were the real republican tickets. I canvassed among the crowd, walked in the midst of the voters, looked at their tickets freely, and they went in and voted. I went into the room myself three different times, remained in, I think, about an hour each time, and watched the voting as it was progressing. The member of the board whose duty it was to receive and deposit the ballots, carefully unfolded every ticket as it was handed to him before he put it in the box. The democrats had no tickets that corresponded in size with the republican tickets, so that while in the room I could not help but see how each voter voted, and I can affirm most positively that the votes that were polled while I was in the room were about five republican to one democratic.

Q. Did you remain after two o'clock?—A. No; at two o'clock the officers took their recess for dinner. I then went home to Natchez. After dinner 126 votes were polled. Of course, I was not there then, but that is what the result showed; 116 votes were polled. My information is that about 85 of that number were republican, or more.

Mr. KERNAN. I object to what is given on information.

[Objection overruled.]

Q. (By Mr. MITCHELL.) The whole vote then returned was what?—

A. When the votes were counted at night there were just 85 votes in there for the republican candidate for Congress, and about 91 for the republican candidates for presidential electors, just about the number that were polled after dinner, thus showing clearly and conclusively that when they went to dinner they took out all the republican tickets that had been polled before dinner and put in the same number of democratic tickets. I did not see the change, but I know that over 300 went in there.

Q. How long did this board adjourn for dinner?—A. I do not know. Soon after they adjourned I left for Natchez. I was satisfied everything was all right.

Q. Who were the men who were holding this election?—A. I do not know the names of all of them. The name of one of them was Farrow; I do not know his Christian name. Another was of the name of Wright; and the name of the republican member of the board was Foules.

Q. Do you know his first name?—A. I think H. B., but I am not certain. The board consisted of four democrats and one republican.

Q. Were both the clerks democrats?—A. That is my information.

By Mr. KERNAN:

Q. Three inspectors, two democrats and one republican, and two clerks, both democrats you think?—A. Yes, sir.

By Mr. MITCHELL:

Q. This whole board, with the exception of the clerks, were selected by a county board of registration?—A. Yes, sir. Understand, the county board is selected by the State board, and the county board designates the local inspectors. That is about Kingston precinct. At the Washington precinct I was not present.

Q. You stated that there were eighty-five republican votes for Congress when the vote at the Kingston precinct was counted in the evening. Did the final count show the whole number to be in accordance with your ideas of the number cast?—A. Yes, the total vote polled was very nearly up to the registration, about 487—very nearly up to the registration; so that there was a pretty full vote polled, and I think that the number of votes polled corresponded exactly with the number of names checked on the tally-list.

Q. So that in that precinct there were about 400 democratic votes returned according to the count in the evening?—A. Yes, sir.

Q. And you stated it as a matter within your knowledge that there were not less than 300 republican votes while you were there, and 85 afterwards?—A. I state my own knowledge as to the 300 positively. My information is that the 85 votes were cast after dinner—after I left.

Q. But you state as matter of personal knowledge that there were about three hundred republican votes cast before 2 o'clock?—A. I am willing to affirm that. I do not mean to say that I personally inspected every ballot; but in witnessing the votes as they were polled, and in canvassing among the people and seeing the tickets and reading them, &c., I am confident and am willing to affirm that not less than that number of straight republican votes were polled up to that time.

Q. State the difference in the tickets that enabled you to judge?—A. The republican ticket was considerably larger in size. It was a stereotyped print. The democratic ticket did not correspond with it in size, so that the difference could be easily seen, and when in the room I occupied a seat pretty close to the box.

Q. Now about Washington precinct?—A. At Washington precinct—and this, of course, is the information I obtained from parties who were there.

Mr. KERNAN. I object to the witness giving what he does not know personally.

(Objection overruled.)

A. At Washington precinct there were about six hundred voters registered. About eighty-five of that number were white men. All the republicans concur in the opinion that there were about five hundred republican votes polled at that box; not less; the usual republican vote.

By Mr. MITCHELL:

Q. What did the count show in the evening?—A. I have the exact returns in my drawer; but did not bring them with me. I have sent for the information and shall have it here presently.

Q. State, if you know, what proportion of the votes were democratic and republican in these two precincts in 1872?—A. At the Washington precinct I do not remember the exact figure, but the republican vote was in the neighborhood of five hundred.

Q. About how many democratic?—A. The democratic vote was between 50 and 75.

Q. At Kingston precinct what was the vote in 1872?—A. I will state, however, that the boundary-lines of these precincts have been changed somewhat since 1872.

Q. Materially?—A. Not to make a material change in the vote of each precinct. In Kingston, however, I think there were a few more voters added to the precinct, so that the number is larger than it was.

Q. The vote relatively would be about the same in Kingston?—A. Relatively about the same.

Q. What was the republican vote in Kingston precinct in 1872?—A. The republican vote in 1872, I think, was very nearly 300. The precinct is larger now in population and voters since the re-organization than it was in 1872.

Q. Do you know how the vote stood in these two precincts in 1875?—A. I do not remember the exact vote of the two precincts in 1875, but it was about in proportion to what it was in 1872. A fuller republican vote polled; no material change whatever.

Q. Was it a comparatively fair vote in these two precincts in 1875?—A. Yes, sir; a fair vote all over the county.

Q. No complaint of intimidation nor fraud in that county in 1875?—A. None in 1875; none at any election till last fall. We have never had any unfairness in the elections in that county, or any violence or anything of the kind until last year, and there was not any material violence last year, only the frauds.

Q. State any other frauds in Adams County, if you know.—A. That is all I know of in Adams County. The republicans in the county would be willing to accept the result as a reasonably fair expression of the will of the people of the county, had the votes been counted as polled. I will state further, that at all of the other precincts in the county, except at those two, the vote came out just about as the republicans had calculated and predicted; no material change from their estimate except at those two precincts. Those were the only two where there was any material change.

Q. State any other frauds that came to your knowledge in your district at the election of 1876.—A. I have given all that I could give of my own personal knowledge.

By Mr. KERNAN:

Q. You mean to answer as to the rest of the counties that you have no personal knowledge?—A. I could not very well be anywhere else on election-day.

Mr. KERNAN. I object to his giving anything he heard, as not competent evidence.

(Objection overruled.)

The WITNESS. From what occurred at Washington and Kingston in Adams County, and from the general information that I get, I am satisfied, in my own mind, that there was a regularly planned and systematized and organized fraud on the part of the democrats, in nearly all the republican counties, not only in that district, but in the State. My information is from nearly all the counties in the district that that system was carried out, changing republ can tickets, taking republican tickets out of the box and substituting a similar number of democratic tickets in their stead, and that is why the republican majority was wiped out and the democratic majority substituted in its stead.

Q. (By Mr. MITCHELL.) Were there any precincts in your district, to your knowledge, where there were no republican inspectors?—A. My opinion is that that was true of Washington County, that they allowed no republican representation on any of the election-precincts whatever.

Q. Is the county board of Washington democratic?—A. The boards all consist of two democrats and one republican.

By Mr. KERNAN:

Q. They were appointed, I suppose, two to one?—A. Yes, sir; one republican was appointed on the board out of the three; but they allowed no republican representation at any of the voting-precincts.

By Mr. MITCHELL:

Q. When you say there was one republican, you speak of the county board?—A. The county board. The county board of registrars in each county consists of three members. In all of the counties in the district, to the best of my information, they consisted of two democrats and one republican. The county board of registrars, however, appoints the inspectors and clerks for conducting the election at each voting-precinct. They generally appoint one or two republicans out of five on these local boards for conducting the election at the different precincts in the county. In Washington County, my information is, that the county board of registrars, consisting of two democrats and one republican, would not appoint any republican whatever.

By Mr. KERNAN:

Q. Either an inspector or clerk?—A. Either an inspector or clerk. That is my information.

By Mr. MITCHELL:

Q. As I understand you, under the recent registration-law in the State of Mississippi, the county boards of registrars, composed as they are generally of two democrats and one republican, were authorized to appoint the election inspectors for the several precincts?—A. That is it exactly.

Q. Now, how many men do these boards that held the election consist of?—A. Five—three inspectors and two clerks.

Q. Are they all appointed by this county board of registrars?—A. They are all appointed by the county board of registrars. The regis-

trars, under the law, act as inspectors themselves at the county-seat, and they appoint two persons to act as their clerks, and then they appoint the inspectors and clerks for all the other voting-precincts in the county.

Q. And it was generally understood to be the rule that two of these inspectors and one of the clerks should be democratic and one of the inspectors and the other clerk should be republican?—A. There is no general rule, in my judgment, about the number, but it was generally supposed that both parties would be allowed representation.

Q. The law fixes the whole number?—A. Yes, sir—five.

Q. In Washington County, I understand you, the county board of registration appointed all democrats at all the election-precincts in that county?—A. So I understand; that is my information.

Q. Now please give the vote of Washington County at preceding elections first, and then at the recent election. Give the vote at the different elections, commencing with 1869 and ending with 1876.—A. In 1869 the republican vote in Washington County was 2,530; democratic, 140; in 1871, republican vote, 2,574; democratic, 99; in 1872, republican vote, 2,562; democratic, 195; in 1873, republican vote, 1,834; democratic, 490; in 1875, republican vote, 1,638; democratic, 2,043; in 1876, republican vote, 1,591; democratic, 2,905. Now I will explain in regard to this county. The democratic vote, as polled in this county in 1869 and 1871, and possibly in 1872, cannot be accepted as a reasonably fair test of the strength of that party in the county. To make a liberal allowance for the democratic vote in the county you would say that they would have about a thousand votes in the county, so that on party lines, as strictly drawn, and a perfectly fair election, I am satisfied the democrats could poll in the county about a thousand votes, but 2,500 is a low estimate for the republican vote in that county, and I think that the vote polled by the republicans in 1869, 1871, and 1872, which you find corresponds about in numbers, is a reasonably fair test of the strength of the republican party in the county.

Q. How do you account for the democratic vote being so small in 1869, 1871, and 1872?—A. That is accounted for in several ways. During those years, in counties that were overwhelmingly republican, as Washington County was known to be, the democrats did not put forth their energies or strength to bring out their full vote; and in 1872 the nominee of the democratic party was not quite as popular as the last one; they did not poll their full strength. But to throw some light on this subject, perhaps you would like to know the registration of last year.

Q. I was about to ask you the registration of Washington County in 1876.—A. I have not got it; I thought I had. I know there were over 5,000 voters registered in the county in 1876, of whom 1,200 were whites.

Q. The vote, then, was in the neighborhood of five hundred less than the registration?—A. Yes, sir; you can calculate from that. I find I have the figures. In 1876 the registration was 4,648 blacks, 1,264 whites. You can take the vote polled, and see how near that came to the registration.

Q. The whole vote was 4,490 in 1876?—A. Yes, sir. My information is that at two voting precincts in the county there was some violence used which prevented a full vote; but the general impression is that the same methods were resorted to in the county as were resorted to at the Washington and Kingston precincts in Adams County.

Q. Do you know the nature of the violence resorted to at the two precincts in Washington County?—A. I am not familiar with it.

Q. By common notoriety?—A. I think there is one witness here who knows more about it than I do.

Q State any other fraudulent practices at the recent election, if you know of any.—A. My general impression is that that system of changing ballots, taking out republican and putting in democratic tickets, was pretty generally adopted.

Mr. KERNAN. I object to such general information.

A. But especially as carried out in Washington, Issaquena, and Adams.

Q. (By Mr. MITCHELL.) What would have been the result in your judgment in your district at the recent election in 1876 with a fair vote, free from intimidation, in the absence of all fraud?

Mr. KERNAN. I object to that as not competent evidence.

(Objection overruled.)

A. Ten thousand republican majority would have been a small majority.

By Mr. MITCHELL:

Q. What was the democratic majority as returned?—A. Four thousand six hundred.

Q. State if you know of any acts of personal violence in the district.—A. I cannot testify to my own personal knowledge on that, except the general condition of affairs in Claiborne and Jefferson Counties, where it was not only personal but general.

Q. Have you the vote of the State of Mississippi for the last few years convenient?—A. No, I have not.

Q. Is there anything else connected with the recent election in the State of Mississippi affecting the fair expression of opinion at the ballot-box that you desire to state?—A. The answer to that is embraced in what I have stated.

Q. The question was whether you know of anything else besides what you have stated.—A. The methods that were employed and carried out, I think, were pretty generally applied to republican counties, and that accounts for the change.

Q. Mr. Chalmers, I believe, was your competitor for Congress?—A. Yes, sir.

Q. Was he in the confederate army?—A. Yes, sir.

Q. In whose command, do you know—in what capacity?—A. General Forrest's, as I understand.

Q. Was he an officer under General Forrest at Fort Pillow, do you know?—A. Yes, sir; he was an officer at Fort Pillow; brigadier-general, I understand.

Q. Is there anything else you desire to state in connection with the recent campaign in Mississippi? If so, please state it.—A. In regard to the recent election I can only state that there was no material change in the sentiment of the people of the State; that had there been a fair, honest registration and election, the result would have been materially different.

Q. What in your judgment would have been the result of the recent election in Mississippi, in the State at large, on the vote for presidential electors, had there been a fair vote, free from intimidation, violence, and fraud?

Mr. KERNAN. I object to his opinion on this subject. It is not evi dence.

(Objection overruled.)

A. With a fair registration, and election conducted free from violence and fraud, the State would have gone republican.

By Mr. MITCHELL:

Q. The democratic majority, as returned, was about how much?—A. About 56,000, I think.

Q. About what would the republican majority have been, at a fair election, in your judgment?—A. 20,000, I think, would have been a low estimate for the republican majority.

Q. Do you know Merrimon Howard, of Mississippi?—A. I do.

Q. Where does he live?—A. At Fayette. He used to. I do not know that he lives there now.

Q. What county?—A. Jefferson.

Q. Have you known him long?—A. A long time.

Q. What official position, if any, has he held there?—A. He served as a member of the legislature one term; and he held the office of sheriff for one term and a second term, and he was elected for the third term, and was serving the third term when he was ejected from office.

Q. What is his standing as a man in that community?

Mr. KERNAN. I object to the question.

Mr. MITCHELL. I simply want to know who Mr. Howard is.

Mr. KERNAN. To sustain him or impeach him? He has not been called here yet.

Mr. MITCHELL. He will be. I want to show that his character is good.

Mr. KERNAN. I object to that as a thing never done in any court of law, first, until after he is sworn, and, second, until he is attacked.

Mr. MITCHELL. I concede that; I simply want, in a word, that the witness shall state whether he knows him, and how he stands.

Mr. KERNAN. That is all there is in any case; there is but a word in it. I object to this, first, that Mr. Howard has not been sworn on either side, and it is not competent to sustain a man's character until after it has been attacked by the opposing side, at least by cross-examination, or in some other way. His character is not in question at all now, and it is not competent to ask about it.

Mr. MITCHELL. I simply desire to fix the status of Mr. Howard.

Mr. KERNAN. That is all such a question is ever asked for.

Mr. MITCHELL. As objection is made by Mr. Kernan, and the third member of the subcommittee is not now present, I will waive the question for the present. Now Mr. Kernan can cross-examine.

By Mr. KERNAN:

Q. Are you now serving your second term or your first as a member of the House of Representatives?—A. The second.

Q. You were first elected in 1872?—A. In 1872, and next elected in 1875.

Q. How many counties were there in your district prior to 1876?—A. Sixteen.

Q. How many of those are in the new district?—A. Four.

Q. How many new ones in the new district?—A. Seven.

Q. So that, in your present district, there are eleven counties, and in the old district there were sixteen counties?—A. Yes, sir.

Q. In 1875 you spoke in your district, I suppose?—A. I did.

Q. In every county?—A. No; there were three counties I did not visit.

Q. As I understood you, there was no violence in 1875 of your own personal knowledge?—A. The violence in 1875 in my district was confined chiefly to two counties, as the district existed then, and those two were Claiborne and Amite.

Q. Aside from those the election of 1875 was peaceable and fair, so far as you know?—A. Reasonably so.

Q. And in 1876 how was it as to your knowledge of any violence, aside from the demonstrations you have mentioned here?—A. They were confined chiefly to two counties, Claiborne and Jefferson.

Q. In the other counties, so far as you know, there was no violence?—A. There was some violence, but not so intense as to create general terrorism.

Q. Not so as to be a serious matter?—A. No.

Q. In those two counties, Claiborne and Amite, were there any armed organizations in 1875, to your knowledge?—A. Yes. The democratic clubs consisted of military organizations. They were armed. They did not make any armed displays during my presence.

Q. In 1875 what knowledge have you of those clubs being armed?—A. Simply from the general report.

Q. It was simply what you heard from others?—A. Yes; and the result that they produced.

Q. You did not see them, or did not see their arms?—A. No; they did not present themselves in an armed position to my presence.

Q. Then, of your own personal knowledge you do not speak of there being armed organizations; you derived it from others?—A. I derived it from my general information.

Q. Prior to 1875, were there any colored organizations that paraded?—A. Not independent of the State militia.

Q. Well, take them as State militia?—A. There were several companies of State militia organized in 1873, in the different counties—some perhaps in 1871.

Q. Colored persons?—A. White and colored. There were white and colored companies organized.

Q. Mixed or separate?—A. Separate.

Q. How was it as to those colored companies parading on political occasions?—A. They did not parade on political occasions in the county in which I live. They simply had stated times to meet and drill.

Q. They had State arms, I suppose?—A. State arms.

Q. And there were occasional collisions then, were there not?—A. I never heard of any.

Q. Had they not colored companies; I do not speak now of their being armed, but clubs that used to turn out on occasions of meetings?—A. We had our clubs, but they were not armed, unless the arms were concealed so that they could not be seen.

Q. And you did not see the arms of the others?—A. No.

Q. Is it not true that there is a strong feeling, and has been, among some of the republican colored men against those who would vote the other ticket?—A. That has not been very intense in my locality. At the precinct where I was on the day of the election, Kingston, there were some 20 or 30 colored men who came up and voluntarily voted the democratic ticket, and not one of them was as much as the recipient of a disrespectful remark.

Q. That was a somewhat new thing, was it not, their voting the democratic ticket in 1875?—A. This is 1876 I speak of. It is not a new thing for a small number of colored men to vote the democratic ticket. There are some who do it voluntarily always.

Q. The number increased some in 1876?—A. It might have increased somewhat, but I do not think very much out of proportion to the increased vote.

Q. Have you not known of their manifest hostility in your State to

colored men who joined democratic clubs?—A. I have heard some such talk of manifestation of ill-feeling, but never of any actual violence being perpetrated upon them for doing so.

Q. Have you any knowledge of your own on that subject?—A. None.

Q. Only from what you have heard?—A. That is all. I have always counseled against it.

Q. I do not doubt that, but still I wanted you to speak of what I supposed might be so. The bulk of them, as you say, have been republicans?—A. And are still.

Q. And are still, as you think?—A. I know it.

Q. If persons joined the other side, I ask whether it did not produce considerable ill-feeling towards them?—A. They felt a little bad towards them. The women would not feel so good towards them.

Q. Would the women leave their husbands who would not vote right?—A. I have not heard of that. Sometimes they have threatened them, I have heard, but would get over it after the election.

Q. But it showed the feeling?—A. This feeling, I will say, is only an imitation of the more intelligent classes; they see the whites do it toward white people, and they think they have the right to do the same.

Q. I think you spoke of an occasion in the county of Claiborne in 1876, when you were there, when you were not able to hold a meeting?—A. Yes, sir.

Q. You say that on this occasion the democrats who came in the club were on horseback, many of them?—A. The mass of them.

Q. About how many were there?—A. I could not estimate the number exactly, but not less than one hundred, probably.

Q. Did they have arms upon them, strapped around them, pistols?—A. Some of them.

Q. How many could you say you saw having pistols?—A. I cannot estimate.

Q. Give us about your best judgment.—A. When we arrived pretty close to them, I could see a pistol buckled or strapped around a man; but nearly all of them appeared to have clubs; they called them hickory clubs.

Q. About what sized clubs?—A. A sized club that I think would make a man feel pretty bad.

Q. What was about the length and size of them?—A. I think they were very nearly a yard long—not quite, perhaps—and several inches thick.

Q. Making a good, strong stick?—A. Yes, sir.

Q. About how much in diameter?—A. Several inches, I suppose.

Q. An inch or two, more or less?—A. A pretty heavy stick.

Q. Enough no doubt to hurt if it hit?—A. Yes; it would not feel very comfortable on a man's head.

Q. There you consulted with the democrats about having your meeting?—A. The sheriff and I did.

Q Did you see any other democrats in the place, or only the sheriff?—A. I saw several.

Q. Were they or not, so far as they talked, disposed to try to have you have a peaceful meeting? Did not the sheriff say he would aid as far as he could, but could not guarantee it, there were so many men there?—A. The opposite impression was created on my mind.

Q. Tell me what he said about it.—A. When he went with me, in company with several of his aids, to the place designated by the republicans for holding their meeting, which was several hundred yards from the court-house, I called the colored people together and asked them to

listen attentively to the sheriff, as he was the chief police-officer of the county, and if he would guarantee a peaceable meeting we would go on and have it; otherwise we would not. As he was in political accord with those from whom we apprehended violence, I felt satisfied that if anybody could control them he could, especially in his official capacity as sheriff of the county. He could give us no positive guarantees in regard to it, but expressed a willingness to do all that he could.

Q. You did not attempt to organize a meeting at all in that county?—A. No; after that consultation we did not.

Q. There was in fact no actual violence there that day that you saw?—A. Every indication of it, though.

Q. But you have given the indications already; I ask you whether there was any actual violence?—A. None that I saw. I understand some occurred afterward, but not in my presence.

Q. You saw none?—A. No, sir.

Q. Did the other side have a meeting that day, do you know?—A. They did.

Q. Did you attend it or go to it?—A. I did not.

Q. Were there United States soldiers there in the place?—A. There were.

Q. About how many?—A. I do not know the number; I think a portion of a company was there.

Q. And you saw the captain?—A. I did.

Q. Was there anything in the style in which these men marched different from any other club on horseback. They went two and two, did they not, in procession?—A. About in that order.

Q. That was when they went out to their meeting?—A. No; when they were going in the direction of the place designated for holding the republican meeting.

Q. Of the 400 that assembled there, how many were colored and how many whites, where you proposed to ho'd the meeting?—A. The mass of the whites did not get to the place designated for holding the republican meeting. They did not get there at all prior to the adjournment of the meeting. After I had adjourned the colored people, I saw them going in that direction.

Q. About how many colored people were there there when you adjourned it?—A. When they first assembled there were several hundred, but they began to scatter before even the announcement of the adjournment was made.

Q. Was the sheriff with you up there?—A. He was with me there.

Q. You do not know in point of fact which of the meetings was first called?—A. I have never yet heard that a democratic meeting was to be held at that place on that day.

Q. You heard it that day, did you not?—A. I did not hear it that day until it took place.

Q. Did you not say that several democrats said they appointed their meeting without knowing of yours?—A. That was in Jefferson County.

Q. I thought that was Claiborne?—A. No.

Q. You had but one appointment in Claiborne County, as I understand?—A. One.

Q. Two in Jefferson. Did you fill either of them?—A. I did not. I made an attempt to fill one unsuccessfully.

Q. Was there any actual violence at Rodney, if that was the place?—A. The occasion for violence did not present itself. The only thing that I saw that was bordering on it was the presence of these armed men in uniform.

Q. About how many of them?—A. Several hundred.

Q. Had they pistols?—A. Yes, sir.

Q. Did they all have pistols?—A. They all seemed to have pistols; there might have been one or two who did not have them, but as a rule they had pistols buckled around them and were dressed in uniform.

Q. Do you know in reference to this Rodney meeting? Which meeting was appointed first?—A. I did not know that a democratic meeting was to be held there until I got there.

Q. Do you know when the first notice of it was given?—A. I do not, and I read the democratic newspapers pretty regularly; I had never seen any notice of it.

Q. You had not observed it if there was any?—A. No; I do not think there was any published.

Q. I do not ask what you thought, but what you knew. You say you did not see it. Did you read the papers?—A. Yes.

Q. You did not organize a meeting there?—A. No.

Q. How many colored men assembled there?—A. Several hundred colored men.

Q. There was no actual collision between them that you know of?—A. No actual collision.

Q. How many colored men of this club or organization of the democrats were at Rodney? You spoke of some.—A. A few.

Q. Were they on horseback or walking?—A. They were in the procession with the others.

Q. Riding with the rest?—A. Yes, sir.

Q. You proposed to share the time with them there, but it was objected to, you said?—A. Yes, sir.

Q. What was the objection, or did they not say?—A. They did not give any specific reasons, except Mr. Truly. He gave what he understood to be the reasons, that they were opposed to anything of that kind.

Q. He lived at Fayette?—A. Yes, sir; at Fayette.

Q. I think you said before that he was opposed to allowing the republicans to speak?—A. Yes, sir.

Q. I believe you said that the people at neither of those places offered any personal rudeness or insult to you?—A. None whatever.

Q. At Fayette there was no actual violence and no rudeness to you, to your knowledge, was there?—A. No; there was no assault made, and no indication of a desire to assault any one, but simply a settled determination to prevent a meeting.

Q. There was a meeting there at which you did begin to speak, I think you said, at Fayette?—A. Yes.

Q. But still they interrupted by cheers and noises, as I understand you?—A. Yes.

Q. Was that your meeting or their meeting?—A. Mine.

Q. Judge Shackelford was there, and he appealed to them to give you a hearing, did he not?—A. He did.

Q. And they did not do it?—A. They did not.

Q. Even there there was no manifestation of a disposition to insult you personally?—A. Nothing more than to break the meeting up.

Q. To cheer a fellow down, as is done in the House of Commons sometimes?—A. Yes, sir.

Q. Was it anything that showed vindictiveness to you, or simply a disposition not to let you be heard by making a noise?—A. Simply to prevent me from speaking. I did not feel that either there or at Rodney there was a desire to do me or any other one individual personal

harm; it was simply carrying out the policy of their party to prevent a republican speech being made by anybody.

Q. You think there was a fair election in Jefferson in 1875, I believe you said?—A. Yes, sir; a fair election in 1875 there.

Q. In your estimate of what the vote would have been this year you assume that the bulk of the colored people would vote for the republican ticket, I suppose?—A. Yes, sir; a large majority of them.

Q. I believe you heard no threats or intimidation yourself in going about, to the colored voters? Of your own knowledge you know of none?—A. At Port Gibson there was. That was the first place in the two counties I spoke.

Q. Aside from what you have mentioned at Port Gibson, do you know of any intimidation, of your own knowledge, that was exercised toward the colored men?—A. I was not present at the different places where it was resorted to, or even at the different places in Jefferson County.

Q. Did you know of it yourself aside from that?—A. The only personal experience I had was at Port Gibson.

Q. All the rest, then, is on information derived from somebody else, or in some other way?—A. A general knowledge of the situation of affairs.

Q. It is your opinion, from general information and knowledge, but not from personal observation, of intimidation being made?—A. It is a distinction a little finer than that. For instance, it would not be exactly hearsay, because my information of the situation is so thorough, my familiarity with the condition of affairs and the political sentiment of each locality is so complete, that it is a little different from that.

Q. Without a disquisition, you can get what I mean. Except at Port Gibson, did you see persons intimidate colored men yourself?—A. It was not done in my immediate presence except at that place.

Q. You did not see it or hear it, with your eyes or ears, anywhere else?—A. It did not occur right before my eyes except there.

Q. That is what I wanted to get.—A. And what Mr. Truly said at Rodney.

Q. That we have in. Now, in reference to registration, where did you attend a registration at any place except your own precinct?—A. No; I did not go myself to the registration precincts, except when I went to register myself.

Q. I think you said you thought the registration was fair, except in Claiborne and Warren?—A. Yes, sir; in the 6th district.

Q. I understand that you have spoken of your district generally?—A. Yes, sir; it was conducted with a reasonable fairness.

Q. Does not your law require the voters to state their residence in reference to location, first the voting-precinct, and then the portion of it?—A. It requires them to state the election beat or precinct in which they live, and the portion thereof.

Q. Your county is divided into townships and sections?—A. Not for voting purposes.

Q. That is, the division of the land is into townships and sections?—A. The land is divided, generally, that way. It is not in all the counties; but these township and section divisions are never recognized in the description of election-precincts.

Q. We have had another gentleman from another county, where there were inquiries as to that, and he gave a little more minute description. I supposed it was so through your State, that your country was divided into townships and sections.—A. It is divided into townships and sections.

Q. In Warren they applied the same test to whites and blacks in registration, did they not, in the country?—A. That is my impression.

Q. It was applied to them alike?—A. Yes, sir; which they could very well afford to do.

Q. In Vicksburgh, I take it, in the city, they designate the residence in some other way, do they not; by wards, or streets and numbers, or something of that kind?—A. I presume they require them to give the number of the ward in which they live.

Q. Were you at either one of the polling-precincts when the registration was made in Warren County?—A. No, sir.

Q. What you say about what they did in reference to questioning them, is from information you derived from others?—A. Yes, sir; from others, and from the official result of the registration.

Q. From your judgment formed from that, you mean, which you have given us?—A. Yes.

Q. I think you said you spoke in every county in your district except Claiborne and Jefferson, and one other, during the canvass?—A. Yes, sir.

Q. And you spoke at the meetings in all without being disturbed?—A. I was not disturbed. When I spoke at Vicksburgh it was at night, and after I had spoken for about an hour the lights all went out.

Q. Was the gas turned off?—A. I do not know whether it was turned off or not. The lights went out.

Q. But there was no violence in these other counties when you were there?—A. No; the meetings were not interrupted.

Q. How many days were you in Claiborne County during the summer and fall on any occasion, except the time when you went there which you spoke of? To make it short, how many days did you spend in Claiborne County during the canvass of 1876?—A. Do you mean on that occasion?

Q. On any occasion, how many days were you in the county? That is not your residence? You live in Adams?—A. I live in Adams.

Q. How many days were you in Claiborne County?—A. I think I visited the county once before I went there to speak.

Q. How many days did you spend there?—A. I spent several days there.

Q. What month was that in?—A. I think it was early in the summer; I do not remember now when it was.

Q. Had you anything to do with politics?—A. No; except in an indirect way.

Q. You were seeing your friends?—A. Yes, sir.

Q. There was no demonstration of violence or intimidation at that time?—A. No; the campaign had not fairly commenced then.

Q. When you went there in October how many days were you in the county?—A. I did not leave the county the same day; I left the town of Port Gibson the same day that I spoke.

Q. How many days were you in the county besides that one day?—A. Let me see. I got to Alcorn University, which is in the county, very near the county-line, on Sunday, the next day.

Q. It was on Saturday that you were at Port Gibson?—A. It was on Saturday when I was there. I staid at Alcorn University over Sunday and went to Rodney on Monday, and returned to Alcorn University.

Q. And spent how long a time there on your return?—A. I remained at Rodney until the next day, Tuesday, the day I was to have spoken at Rodney, and then went back to Alcorn University and spent a night there, and left that locality on Wednesday.

Q. You then went to another county?—A. Yes, sir.

Q. So that this was all the time that you spent in the county during the canvass in the summer and fall?—A. Yes, sir.

Q. And except at Port Gibson you did not see any demonstrations of intimidation and violence?—A. No; I had no appointments to speak anywhere else.

Q. Did you see any demonstrations of an armed club in Claiborne County except at Port Gibson?—A. No, sir.

Q. And that was what you have described to the committee?—A. Yes, sir.

Q. You did not see these clubs at any other time in that county?—A. No.

Q. In Jefferson County, you spent how much time?—A. I was up at Rodney.

Q. You were a day at Rodney?—A. I was there most of Monday, the day before the time appointed for speaking, and then I was there very nearly all day Tuesday, the day I was to have spoken; then I came in again on Wednesday, the day that I left for Natchez.

Q. And that was all that you were in that county?—A. All that I was in that locality.

Q. Did you go anywhere else in that county?—A. I did. I went to Fayette the following Saturday.

Q. How long did you stay there, in reference to your Fayette visit?—A. I arrived in Fayette on Friday. I was to have spoken there on Saturday. I left on Saturday afternoon, and went back to Natchez.

Q. So that that is all the time you were in that county?—A. Yes, sir.

Q. And the only demonstration you saw of anything like clubs of men was at Fayette?—A. And at Rodney.

Q. Those two occasions?—A. And on my way to Natchez some colored men met me on the road between Natchez and Fayette.

Q. I do not care about that.—A. That was merely incidental.

Q. So that of your personal knowledge you have given your means o. observation and what you saw, as I understand it, in those two counties?—A. Yes, sir.

Q. You were not in either of those counties during the registration, if I understand you?—A. Yes; the registration was going on at that time, at least I am confident that it was going on in Jefferson.

Q. Did you attend at any of the registration-places?—A. I did not.

Q. So that you did not see yourself how they did it?—A. No, sir.

Q. In what you said about that, you spoke of information from others? A. Yes; and general knowledge.

Q. And general knowledge derived from others?—A. Yes, sir. There was no complaint, however, of the registration in Jefferson County.

Q. There was no complaint in that county?—A. Not about the registration. The registration was accepted as having been pretty fair.

Q. Have you given all the personal knowledge that you could give in reference to fraud in substituting votes in your direct examination?—A. Yes, sir; I have given as good an account of it as I can from personal knowledge.

Q. That is what I mean. I think you said that except these counties of Claiborne, Jefferson, and Warren, you thought a reasonably fair vote was polled, I mean in numbers, of each party?—A. A reasonably full vote.

Q. About how many counties are there in your State?—A. About seventy-three. One new county has been made recently, but there is about that number.

Q. Kingston was the place where you staid until about half past two?—A. Till two.

Q. You judge of about how many votes were polled in your presence. You were out and in, you said. How many votes were taken while you were looking on, should you say?—A. I could not give the exact number. I remained in the room possibly about an hour each time, at three different times.

Q. That is, from eight to two. The poll opened at eight, I suppose?—A. About eight.

Q. And you think from that time you were in on three occasions, an hour each time?—A. About that.

Q. The rest of the time you were out among the people?—A. Yes, sir.

Q. Can you tell how many votes were put in while you were present looking on?—A. They voted reasonably fast, about fast enough to allow the vote to be polled in the time prescribed by law. It is a matter of calculation. They had polled up to two o'clock 361 votes.

Q. Had the polling been going on regularly since eight o'clock until that time?—A. Yes, sir; they did not open, I think, exactly at eight o'clock.

Q. A little after?—A. A little after.

Q. You judge from their appearance that they were republicans; that is, in the proportion that you state?—A. I am satisfied of it.

Q. From the appearance of the tickets that were handed in?—A. Yes, sir; I did not see all of them. I said the proportion was about as five to one.

Q. Were you at the Washington precinct or voting-place that day?—A. No, sir.

Q. You give the opinion that there was a plan of fraud not from personally knowing of the fraud or seeing it done or anything of that kind? It is your judgment drawn from the information that you get, is it?—A. I saw the votes going in at Kingston.

Q. Except what you have given about Kingston you have no personal knowledge?—A. You mean now as to its general application?

Q. Yes, sir.—A. Of course I formed that opinion from what occurred at Kingston, and from what actually took place as told me by others, and then from what democrats told me themselves, just about what the result was going to be, as though they had it figured down pretty fine. Of course they did not let me into their plans.

Q. In 1875, in Washington County, did not the democrats and a portion of the republicans make up a fusion or compromise ticket for members of the legislature upon which there was an equal number of each party?—A. I am not familiar with the manner in which the candidates were elected in Washington County in 1875, as that county was not then in the district in which I was a candidate.

Q. Do you know that there was a fusion ticket?—A. It is my information that a fusion ticket was made.

Q. Between the democrats and republicans?—A. Between the democrats and a portion of the republicans.

Q. Was that fusion ticket elected?—A. It is so reported, a portion of it. I cannot speak with positiveness.

Q. That is as you understood it at the time?—A. That was the return, I think. A portion of it, at any rate, was elected.

Q. Do you know that there were white and colored men upon the ticket, or that a colored man was elected—some doctor?—A. Dr. Young.

Q. So you knew that he was elected in that county in that year?—A. He was so returned.

Q. He was a colored republican?—A. Yes, sir. If you want my opinion, Mr. Senator, as to the composition of the ticket——

Q. No; I only want to know if you knew by information, because somebody else will know personally. You do know that he was elected to that legislature?—A. If you want my opinion in regard to the composition of the ticket——

Q. No; I do not desire your opinion. Do you know the fact that Dr. Young is a colored man?—A. I know he is a colored man.

Q. Do you know that he was a member serving in the legislature from that county?—A. He was returned as elected a member of the present legislature, but the point I want to get at is this: if you want my opinion——

Q. No; I do not want it. Have there not been in Mississippi during the last two years dissensions in the republican party which have led to separations and conflict between themselves in some counties?—A. There have been some divisions, as in all parties and in all States.

Q. Did some of the leading men of that party get into political differences that led to open dissensions?—A. Yes; they had open dissensions in some counties and in one congressional district in 1875; but these dissensions, in my judgment, did not make a material difference in the vote of the State. The dissensions did not apply to the State ticket in 1875. They were all united on the vote of the State ticket.

Q. It led to a great deal of bad blood and dissension, did it not?—A. In some localities. The same is true to some extent of the democrats.

Q. Was there are democratic candidate in 1875 for governor, or was the contest all between Mr. Alcorn and Mr. Ames?—A. The contest was for State treasurer in 1875.

Q. Who ran for governor in 1875?—A. They did not have any election for governor in 1875, but for only one State officer, the State treasurer. It was in 1873 that the election was held for governor.

Q. There was no democratic candidate running for governor then?—A. No; Alcorn was the independent candidate, supported by the democrats.

By Mr. MITCHELL:

Q. Is there anything that you desire to state further?—A. No; I think I have stated all except one point. I might make one point a little clearer with regard to the relative strength of the two parties in the district.

Q. Very well; state it.—A. Especially with regard to Washington County, I stated that the election of 1872 would be a reasonably fair basis to calculate upon as to the real strength of the republican party. The republicans polled in 1872 a little over 2,500 votes. I gave the exact number when I was on the stand before. The registration of last year showed four thousand six hundred and odd colored men registered, and one thousand two hundred and odd whites. That was a large increase in the registration of the republican vote over the preceding election, so that when I gave the vote in 1872 as a reasonably fair basis to calculate upon, the idea I want to convey is that whilst the republican vote, and in some instances and in some localities the democratic vote also, might be larger than it was in 1872, yet in no instance and in no locality, in my judgment, would the republican vote be less than it was in 1872. I want to make that plain, so that you may understand it.

A. M. HARDY sworn and examined.

By Mr. MITCHELL:

Question. Where do you reside?—Answer. In Natchez, Adams County, Mississippi.

Q. How long have you resided there?—A. About three years.

Q. What is your business?—A. I am editor of the New South, and collector of customs for that district. The New South is a republican paper.

Q. A republican paper published where?—A. Natchez, Miss.

Q. And you are collector of the port?—A. Collector of the port.

Q. Did you take any part in the campaign of 1876 in Mississippi?—A. Yes, sir; I took part in the campaign there in Adams County, and in Wilkinson County to some extent.

Q. What was the character of the campaign in 1876?—A. I will go back a little first. In 1875 the campaign was in every respect peaceable and quiet. We held our meetings without any trouble and without any molestation. The election, I think, in 1875 was fair in every respect.

Q. To what part of the State do you apply this statement?—A. To Adams County.

Q. You are speaking of that county alone?—A. I am speaking solely of Adams County. In 1876, shortly before the 4th of July, the democrats organized military companies there. They organized a company in the city of Natchez, known as the Natchez light infantry, if I am not mistaken. They organized a cavalry company in the county, and also an artillery company in the city. They frequently had their parades, and the cavalry used to come into the city once or twice a month on Saturdays, fully organized.

Q. What was the ostensible purpose of those organizations, if you know?—A. I think the ostensible purpose of these organizations——

Mr. KERNAN. Do you know? You are asked whether you know or not? We want to understand when you are speaking of what you know yourself and what you state on the information of others.

The WITNESS. On the information of others, and in my opinion, I think they were organized as a menace to the colored people of the county.

Q. By Mr. MITCHELL. You think that that was the real purpose?—It was the real purpose.

Q. What was the ostensible purpose?—A. The ostensible purpose was to celebrate the Fourth of July. They were continued after the 4th of July, and the organizations are all in existence at the present time.

Q. About how many of these military companies or clubs were organized in Adams County during the last campaign?—A. There was the light infantry in the city of Natchez, the cavalry company in the county, and the artillery, the Tilden Artillery, I believe, the name is, also in the city.

Q. The Tilden Artillery?—A. Yes, sir; the Tilden Light Artillery.

Q. About how many men composed those different organizations, respectively?—A. I suppose there were one hundred probably in the infantry, and about one hundred in the cavalry. I cannot state how many are in the artillery, but not a great many, probably twenty-five or thirty.

Q. Were they armed?—A. Yes, sir.

Q. With what kind of arms?—A. Winchester rifles, principally. The cavalry were armed with carbines. The artillery had a six-pound gun that they purchased in the city of New York, a brass piece.

Q. Did they have captains, and lieutenants, and the usual officers of military organizations?—A. Yes, sir; captains, and all the officers such organizations generally have.

Q. Did they parade?—A. Yes, sir; they used to parade frequently.

Q. In what manner?—Describe the manner in which these organizations conducted themselves prior to the election during the campaign.—A. They were principally engaged in parading and going out in the country a few miles. The cavalry used to come into the city on Saturdays in a body. They did not attend the republican meetings as military organizations. Nearly all the members of the infantry belong to the democratic clubs of the city.

Q. There was no necessity there for military organizations?—A. None in the least. There were no republicans in the companies. They got their membership by soliciting men to join them. I went around myself and mingled with them when they were getting up these organizations, and thought, perhaps, they would ask me to join; but they never invited me to join one of their companies.

Q. They were composed exclusively of democrats?—A. Yes, sir; exclusively of democrats. I am satisfied of that.

Q. Did they hold their meetings publicly or secretly?—A. They used to drill in a room up-stairs on the main street, and they used to drill frequently in the cotton-yard; and then there is a common where they would go and drill occasionally in the evening.

Q. Do you know whether these military organizations held political meetings?—A. No, sir; they did not hold political meetings as military organizations, but they were all members of the democratic clubs, and they always appeared to be apprehensive of trouble. The colored people were very much alarmed, and the democrats used to boast that, upon the first trouble that occurred, they had twenty thousand rounds of ammunition, and they could soon put a stop to it. I am satisfied there is not a colored man in the county that ever thought of a rising. The rising of colored people, I am satisfied, is a pretext which has always——

Mr. KERNAN. Permit me to enter an objection to the answer that the witness thinks it was a pretext. I think he had better give something like facts, and not opinions, particularly as editors are a respectable class, who should deal with facts rather than matters of opinion.

The WITNESS. I generally try to express an opinion based on facts.

Mr. KERNAN. The opinion is not evidence, so far as I am concerned.

By Mr. MITCHELL:

Q. On the day of the election do you know where these organizations were?—A. They were in the city, but not as organizations.

Q. What acts of intimidation do you know of being practiced in Adams County aside from these military organizations?—A. A large number of colored men were discharged from employment because they would not affiliate with the democratic party. I know of six or seven colored men who came to me and said they had been discharged from the coal-yard because they would not promise to vote the democratic ticket. I know of a man by the name of Wright, who worked as a blacksmith for a man named James Junkins for eleven years, and Junkins discharged him because he would not promise to vote the democratic ticket. There were a great many colored draymen about town who had been draying for the merchants there, and the merchants took their patronage away from them simply because they would not vote the democratic ticket. Before the election there was but one white man in the city of Natchez who was a drayman, and this had been the case for a

number of years; at least since I had been there; but since the election there are a number of white draymen there.

Q. What is the relative proportion of the voting population in Natchez?—A. It is very nearly a tie in the city of Natchez.

Q. Between the blacks and the whites?—A. Yes, sir.

Q. How is it in the county?—A. Let me see. There were 4,177 registered votes in the county in 1876; 964 whites, 3,213 colored.

By Mr. KERNAN:

Q. What county is that?—A. Adams.

By Mr. MITCHELL:

Q. What other acts of intimidation, besides those you have referred to, were resorted to?—A. They used to visit our meetings in the city and in the country. They appointed a committee to visit the republican meetings for the purpose, as they said, of nailing any lies or misrepresentations that were made by the republican speakers. In the city, where we would hold our meetings generally, a large number of democrats would get in there, and when any remark was made that did not exactly agree with their idea of political thinking, they would say it was a damned lie.

Q. State instances, if you know them, of republican meetings being interrupted in this way in Adams County at the late election?—A. There were one or two instances at the Union school-house. We used to hold our meetings there, I think on Wednesday nights, but I cannot state the exact night, and at the republican headquarters on several occasions when we were holding meetings there. We attempted to hold our meetings in the republican headquarters the latter part of the canvass, for the reason that at the Union school-house, where we held meetings for several years in a building built exclusively for the colored people for school purposes and other purposes, the school-board, or the president of it, ordered it to be closed to republican meetings. Then we went to the republican headquarters and held the meetings, and there we were frequently interrupted.

Q. In what way? State the character of these interruptions.—A. They would come in and, as I have stated before, when they did not agree with what was said, they would say it was a damned lie, and would want to speak, and always asked half the time. At the court-house, on the night preceding the election, Mr. Lynch was announced to speak. General Castello was acting chairman and I was acting secretary of the meeting. The democrats that night were holding a meeting at their headquarters. We had been in the court-house probably about half an hour, and we had a very large meeting; the court-house was full. Mr. Lynch commenced his speech, and shortly we heard a great noise out in the court-house yard. It appears that this democratic meeting, not having as many colored people in their audience as they desired, had determined to come down to the court-house. The speakers got on the steps of the station-house, which is on the same lot as the court-house, and they commenced holding a meeting there. Of course that excited our audience somewhat; but we told them to keep perfectly quiet, and they then did so. They made no noise whatever, and did not attempt to go out of the court-room. The democrats, seeing that their speaking and their hallooing would not break up our meeting at all, commenced to halloo fire; and they rang the fire-bells, and did everything except violence that they could possibly do—all to break up our meeting and get our men scattered. But we kept them all quiet. Then they came into the court-house, just as Mr. Lynch com-

menced to speak about General Chalmers. He had just come to that subject, and they commenced an incessant cheering, and continued for some fifteen minutes, probably, so that it was impossible for Mr. Lynch to speak. One of the democrats, Captain Lambert, a merchant of Natchez, came on the stand, and requested his audience to remain quiet.

Q. That was while Mr. Lynch was speaking?—A. While Mr. Lynch was speaking. Captain Lambert said after Mr. Lynch was through they would hold a meeting, and that they should allow Mr. Lynch to go on with his speech. I made no speech that night at all.

Q. This was at what place?—A. At the court-house in the city of Natchez. I made no speech that night, but when the noise was going on outside I requested the colored people to remain perfectly quiet. They did so. Among the interruptions they used a great many offensive and personal remarks toward me; they wanted to know what that carpet-bagger was doing there. They hallooed, "Bring Hardy out;" that they wanted Hardy to come out. As I was leaving the court-house a crowd of fifty or sixty men and boys followed me up the street ten feet behind me through the court-house yard and nearly up to my office, which is three blocks away, hallooing, "Hang the carpet-bagger,"—"Shoot the radical"—"Rail-ride the son of a bitch," and all sorts of remarks of that character.

Q. How long was that before the election?—A. The night preceding the election, the 6thday of November. I went very quietly and stepped out and remained at the door-way in the republican headquarters, and they shouted at me all kinds of remarks, applying all sorts of remarks to me. I stopped at the door, and then I went on and walked up toward the office. I arrived there in safety, but this crowd followed me to the door. I understood afterward——

Mr. KERNAN. I object to the witness stating what he understood afterward.

The WITNESS. I know that afterward——

Mr. KERNAN. What you know is all right.

The WITNESS. Just as I stepped to my door, General Castello, the United States marshal, came right up, and it appears that he had been following me; that he had been between me and the crowd all the time. That is about the sum and substance of the affair.

Q. (By Mr. MITCHELL.) Some fifty men were in the crowd?—A. Yes, sir; between fifty and sixty. I put an account of it in my paper, stating the whole thing, and they never denied it.

Q. Have you ever been advised to leave the State for self-protection?—A. On the day after the election, I was a little surprised at hearing that Kingston and Washington, the two largest precincts outside of the city of Natchez, had gone democratic. I had been at these precincts several times during the campaign and I was perfectly satisfied——

Mr. KERNAN. I object to the witness giving what he was satisfied they would have done.

Q. (By Mr. MITCHELL.) It was to the best of your knowledge?—A. To the best of my knowledge.

Mr. KERNAN. I object to the witness stating that it was to the best of his knowledge, because he does not profess to have been there, and it is merely his judgment.

The WITNESS. I know from what the colored people said——

Mr. KERNAN. I object to the witness giving his judgment of what the colored people said or anybody else. It is mere hearsay and not competent evidence.

Mr. MITCHELL. I think the witness is stating what he knows.

Mr. KERNAN. He was beginning to state what his opinion was after the election. It may be proper for him to do it somewhere else, but it is not evidence here.

(Objection overruled.)

The WITNESS. Shall I go on with my opinion?

Mr. MITCHELL. Yes, sir.

The WITNESS. From the canvass I had made in Washington and Kingston precincts, I was perfectly satisfied that the republican vote would be about the same that it had been in former years, and I was considerably surprised when I found that those two precincts had gone democratic. I stated in the court-house to a number of gentlemen, "They have stuffed those ballot-boxes." There was nothing said about it at the time. I went over in the chancery-court room and was there sitting talking to Mr. Foster. Mr. T. L. Mellon, a prominent lawyer, came in. Said he, "Hardy, you had better go out of the city; they are raising a mob in the town to mob you; and they are going to mob you." I sat there a few minutes and consulted with Mr. Foster in regard to the matter, and he said he thought perhaps I had better go out of the city. So I took a hack and went out to United States Marshal Castello's. I had been there but a few moments when Mr. Foster came out, and George Brown, an alderman of the city, a wealthy man there, and Mr. George Green, another very wealthy citizen, came out also.

Q. (By Mr. MITCHELL.) State their politics.—A. They are all democrats.

Q. Except Mr. Foster, who is a republican?—A. Foster is a republican. They said they were sorry to hear that this thing had occurred and that I had left the city. I said to them, "Gentlemen, if you think it advisable, I will go back." They said, "No, we do not think you had better go back; you had better remain here a couple of days, Mr. Hardy, until this election excitement has subsided. We will give you the hospitality of our houses if you come, but, at the same time, we would not advise you to come." They left me and came back into the city.

Q. How far out of town did this marshal live?—A. In the suburbs of the town, about a mile from the court-house. I remained at General Castello's. A short while after that, General Castello and the mayor of the city came out. The mayor said he had come to bring me into the city.

Q. What was his politics?—A. I cannot tell you. He is a very prominent politician. He is independent in every sense of the term; there is no doubt about that. He says he is affiliating with the democrats in the legislature at this session.

Q. He came out to see you?—A. He came out and requested me to come into the city with him. I told him if I went in with him I was satisfied I would not be harmed while I was in the company of the mayor and the United States marshal. He told me that that morning Mr. T. L. Mellon, Mr. George Brown, and Mr. George Green had waited upon him, as mayor of the city, and requested him to take the board of aldermen or a committee of citizens and go with them to me to advise me to leave the city.

Q. Why?—A. Because they could not control the young men. So we sat there for a short time, and Mr. D. L. Rivers and Mr. Lewis Botside came out there.

Q. When you say young men do you mean the voting population?—A. The whole of them, the voting population, members of the democratic clubs. Mr. D. L. Rivers and Mr. Botside came out and said they

understood I had made the remark that I was afraid to walk the streets of Natchez because they were going to assassinate me. I had made no such remark and told them so. They said I had better come to the town. They had been drinking, and were pretty drunk at the time they came out. Upon their assurances, I came back to the town; and after that there was no more trouble with the crowds. After we got into the city, the crowds came around us and seemed to be very friendly.

Q. Did you speak during the campaign at Kingston and Washington precincts?—A. Yes, sir, I did. I spoke twice, I think, at Washington, once anyhow, and once at Kingston.

Q. You heard the testimony of Mr. Lynch in regard to the relative vote in those precincts?—A. I did.

Q. Do you agree with him?—A. I do in every particular.

Q. What do you know, if anything, aside from this general knowledge of the political status of those two precincts in regard to this alleged fraud?—A. At those two boxes?

Q. Yes, sir.—A. At least from two hundred to three hundred people from those precincts have come to me, colored people, and expressed their astonishment——

Mr. KERNAN. I object to what colored people came and said to the witness about fraud or alleged fraud.

Mr. MITCHELL. I think we are entitled to that.

Mr. KERNAN. Then it is expected that we shall call some of those gentlemen who saw and can state the language.

Q. (By Mr. MITCHELL.) Did they express a willingness to make affidavits that they had voted the republican ticket?

Mr. KERNAN. I object to that question.

(Objection overruled.)

The WITNESS. Yes, sir; they said they would make affidavits to that effect.

Q. (By Mr. MITCHELL.) Did you take any part in Wilkinson County during the canvass?—A. I went there on Friday previous to the election in company with Mr. Lynch and General Castello. Mr. Lynch had an appointment there. He sent circulars throughout the country to have a meeting there.

Q. What occurred there?—A. We got there on the morning of the speaking, on Saturday morning.

By Mr. KERNAN:

Q. On Saturday before the election?—A. On Saturday before the election. Mr. Nolan, the chairman of the democratic committee of the county, and several other prominent democrats, came to us and said it was the intention of the democracy to hold a meeting there that day, and that they had a stand erected in the court-house yard for that purpose.

By Mr. MITCHELL:

Q. What point in Wilkinson County was this?—A. In Woodville, the county-seat.

Q. Very well; go on.—A. The republicans had made arrangements for our meeting to be held about a mile from the court-house, down at the church, a little way out in the country. These democratic gentlemen came to us and said, to maintain the peace of the county, that they thought it was necessary that the two meetings should combine and have a joint discussion. They said they were satisfied that if we held our meeting down there they could not control their people in the court-house yard, and that their people would go down and molest us. After

holding c uncil with them for some time, Mr. Lynch agreed to have a joint discussion, and did so, and the meeting passed of quietly.

Q. It had been advertised as a republican meeting?—A. It had been advertised as a republican meeting for six weeks, I suppose.

Q. Did you canvass any in Jefferson County, and, if not, why did you not?—A. I intended to go to Jefferson County, but Mr. Truly, the editor of the paper there, said that no God damned radicals were going to make any speeches in Jefferson County during that campaign.

Q. To whom did he say this?—A. He made the remark in Natchez to several gentlemen; I do not know exactly to whom. I asked him about it, and he said yes; he did not intend to have any radical speeches made in that county during the campaign.

Q. Did he say how he would prevent it?—A. He simply said they would not speak there.

Q. He was a prominent democrat of the county?—A. A prominent democrat, editor of the democratic paper there.

Q. Have you information in reference to violence in the campaign in Jefferson County?—A. In the Fayette paper, the paper published by this gentleman, I saw some time ago an account of the killing of a young man by the name of Darden.

Mr. KERNAN. I object to the information the witness gives from a paper.

The WITNESS. I have it from individuals also, a number of them.

Mr. KERNAN. The same objection applies to that. I object to the witness giving what appears in papers or knowledge said to be communicated by persons to him, unless he knows something about it himself.

(Objection overruled.)

The WITNESS. I saw that a young gentleman by the name of Darden had been killed and another one quite severely wounded, a young Mr. Harper. From the information I have received in regard to the matter these gentlemen, in company with the democratic clubs, went out from Fayette several miles with the intention of breaking up or disturbing a church-meeting that the colored people were holding. They fired into the church without doing any injury, and some of the colored people returned the fire with the result stated, the killing of Mr. Darden and the wounding of Mr. Harper. A day or two subsequent to that the democratic armed clubs of that county got together and arrested——

By Mr. KERNAN:

Q. Is this from information?—A. Yes, sir; it is from information. They arrested a large number of persons who they supposed had attended that church meeting. I understood that they tried them in a church in the county there, the democratic presidents of the clubs acting as the judges and the clubs actings as lawyers.

Q. This is all by information?—A. This is all information from at least 150 persons.

By Mr. MITCHELL:

Q. It is a matter of general notoriety?—A. A matter of general notoriety.

Mr. KERNAN. That does not make any difference in my view. It is extraordinary that it is so rare you get a man who knows of these things himself, and yet so many who hear of them.

Mr. MITCHELL. Go on, Mr. Hardy, and make your statement as brief as you can.

The WITNESS. They had some thirty men arrested and tried, and they condemned them to death. They then took and marched them some

distance from the church and ordered a halt. The colored people then broke and ran; but they were all killed, I understand, with the exception of two.

Q. (By Mr. MITCHELL.) How many colored people were there?—A. Twenty-seven or twenty-eight were killed.

Q. When was this?—A. This was a day or two previous to the election.

Q. Name the place.—A. In Jefferson County, several miles from Fayette. It strikes me that the court was held at Union Church, or Church Hill—some place there.

By Mr. TELLER:

Q. That is this court you speak of?—A. Yes, sir; it was a court with the democratic captains acting as judges.

By Mr. MITCHELL:

Q. Was this court held by these military clubs?—A. Yes, sir; it was held by the military clubs who had arrested the men.

Q. What was the charge against these men?—A. That they were among the party at the church who had killed young Darden and wounded Harper.

By Mr. TELLER:

Q. They fired into the church first?—A. Yes, sir; they fired first, I understand, and the next day or two these colored people were arrested.

By Mr. MITCHELL:

Q. And this democratic military club then held this court?—A. Yes, sir.

Q. And condemned some thirty negroes, republicans, to death?—A. Yes, sir; they were all republicans, and they condemned them to death.

Q. And then marched them some distance away?—A. Yes, sir; and ordered them to halt, and as they ordered a halt the colored people broke and ran.

Q. What did the guard do?—A. Two of them, young Ingram and a man by the name of Ross, escaped, and the rest of them were killed, with the exception of old man Ingram. I believe he was very severely wounded, and after he had been lying on the ground some time he crawled up and got to his house, and a few days after that the democratic club came out there and took him from the house and also killed him. All the Fayette democratic papers acknowledged that they had arrested a number of men and that they had attempted to escape, but that very few of them had succeeded in doing it, which means simply to say that those who did not succeed in escaping were shot.

Mr. KERNAN. I object; you do not give us the paper and you do not give us the language; but you want to give us the meaning. I object to the meaning.

(Objection overruled.)

Q. (By Mr. MITCHELL.) Was the sheriff of this county at that time a democrat?—A. Yes, sir; Mr. McCormick.

Q. Were there any arrests of the members of these democratic clubs who held this court?—A. Not to my knowledge. I am satisfied none of them have been arrested.

Q. There were no prosecutions?—A. No prosecutions have been entered against them. Some time after that, a few days or a week, probably a month after that time, this man Ross who had escaped at the same time with Ingram and had got into Louisiana, came over to Natchez.

He was discovered there and arrested and placed in charge of a gentleman by the name of Thompson, of Jefferson County. Thompson pinioned this man's hands behind his back.

By Mr. KERNAN:

Q. Did you see this?—A. I saw it. I did not see the arrest but I saw him pinioned.

Q. You saw him under arrest?—A. I saw him under arrest. They pinioned his hands behind his back and tied a rope eight or ten feet long around his neck and mounted him on a horse. Thompson took one end of the rope in his hand and got on another horse and they started toward Fayette. One gentleman of Natchez accompanied him a part of the way, but I believe returned. I did not pay any particular attention to the matter, as such things are common.

By Mr. MITCHELL:

Q. How long was this before the election?—A. It was after the election.

Q. About how long after?—A. It was only last month.

Q. What was this man's name?—A. His name was Ross. He was one of the men who escaped at the time they killed the others. James Ross, I think, was his name.

Q. Do you know where he is?—A. To the best of my information he is hanging to a tree four miles west of Fayette.

Q. Did they hang him?—A. As Mr. Thompson arrived within four miles of Fayette he was overpowered, so the democratic papers stated, and Ross was taken from his custody and lynched. There have been numbers of people in my office from that neighborhood.

Q. How many parties were present when this rope was put around his neck?—A. I do not know; I saw him going through the streets that way. It was the talk of the town. But there is nothing very unusual in that. Men whom they are disposed to murder are frequently taken from one part of the country to another in that manner. I have seen that done before. From what I can understand the bodies of those men who were shot at that time are still in the woods, and never have been buried.

Q. These twenty-eight colored men?—A. Twenty-seven, I think; between twenty-five and thirty, at any rate.

A. Are there any other acts of violence that came within your knowledge that you heard of in Mississippi during the recent election?—A. O, I have heard of a great many whippings in Franklin County and Wilkinson County.

Mr. KERNAN. I object to the witness stating what he heard.

Q. (By Mr. MITCHELL.) What do you mean by whipping?—A. They would take them by the hands and thrash them.

Q. What for?—A. Because they would not affiliate with the democratic party; so the colored people say; I have had numbers of them to come into my office and tell me about being whipped. One, a short time ago, came in and brought me one of their whips. I have the whip here.

Q. Have you got it here now?—A. Yes, sir.

Q. Let me see it.—A. [Producing.] That was brought into my office a week before I left the city of Natchez.

Q. The whip you now hand me was brought to you by whom?—A. By a colored man.

By Mr. KERNAN:

Q. Name him?—A. I cannot name him.

By Mr. MITCHELL:

Q. What did he say about it?—A. He said they had been to his place and whipped his brother, and had left this whip there.

Q. Was he whipped with this whip?—A. I do not know; but he said they had left the whip there.

Q. When did he say they had whipped his brother?—A. A short time previous to that.

Q. Did they say what for?—A. He said because he would not vote the democratic ticket; that is what they all say.

Q. Describe this whip, how it is made and what it is made of.—A. I do not know what kind of wood the handle is. It is a piece of rubber belting, I should call it.

Q. About how long?—A. About 15 inches long.

Q. How wide?—A. About an inch and a half wide, or an inch and three-quarters.

Q. It is over two inches wide, is it not?—A. About two inches wide, with four holes in it, made by a gun-wad cutter, I should judge. It looks that way; it is fastened with a wax thread to a stock about 18 inches long, and the stock is about the size of an ordinary whip-stock.

Mr. MITCHELL. Will you please leave this whip with the reporter, and make it a part of your testimony?

The WITNESS. I will.

Mr. MITCHELL. I will mark it Exhibit.

The WITNESS. Many of the colored people in those counties came to Natchez, and said they were afraid to go home, that they could not live there. Of course most all of them came to me, and wanted me to publish their statements; but I would not inquire their names. The fact of the matter is, I got tired of hearing so many stories, and I never inquired their names; they all have such peculiar names that I forget them readily. They would want me to publish accounts as they gave them to me, but I must confess I did not like to publish their accounts. I thought it would jeopardize my personal safety.

Mr. KERNAN. I object to that.

By Mr. MITCHELL:

Q. From your knowledge of affairs in the State of Mississippi during the last campaign, I ask you whether or not this thing of whipping was a common occurrence?—A. Mr. E. H. Rust, a prominent gentleman of Adams County, who was a planter in Wilkinson County, one of the first gentlemen in that part of the country, informed me that the club in Wilkinson County had been on his plantation, and severely whipped two or three negroes, and that it had to be stopped; that he was going to stop it. He said his negroes were not guilty of any crime, and that he did not intend to have them whipped any more.

Q. Do I understand that these whippings were conducted under the direction of these military organizations, or how?—A. I do not know whether they were conducted under the military organizations or not; but they were conducted under some organization that they have in those counties.

By Mr. KERNAN:

Q. Do you know that they are done at all from your knowledg? It is written down as though you swore to it as a fact.—A. I have never seen them whipped, and I do not know it by seeing it myself. What I am stating now about Jefferson County is all from information, as I said before. I only know of the whipping there is from information.

By Mr. MITCHELL:

Q. State what you know of any other acts of violence committed by democrats in the State of Mississippi against republicans during the campaign of 1876?—A. A prominent gentleman of Adams County asked me why I did not go over to the democratic party "with our people," as he called them. Said he, "Hardy, I am an unerring marksman, and the least trouble that occurs in this town, I have picked you out, and I will kill you."

Q. He said that to you?—A. He said that to me. Said I, "I suppose that is the way you intend to conduct the elections in this country." I frequently heard democrats state, in the city of Natchez, that at the slightest trouble that occurred they would not hold the ignorant negro dupes responsible, as they called them, but the leaders of the party, and that they would kill them first; that they had 20,000 rounds of ammunition, and were ready at any moment in the case of any trouble.

Q. What do you know, if anything, in reference to obstructions being thrown in the way of voters registering?—A. I know nothing in regard to that in our county. The registration was fair, I think.

Q. You think it was?—A. There were a few who they threw out because they supposed they were not of age. They required them to bring certificates of their age from their former masters, and several of their former masters would not give them certificates, but it was a very small number. I think the registration in Adams County was perfectly fair. I have no objection to that at all.

Q. What effect, if any, did these acts of violence and intimidation to which you have referred have in preventing republican colored voters from exercising the right of suffrage at the election in 1876?—A. In Adams County?

Q. Yes, sir; or in any of the counties of which you have knowledge?—A. I am satisfied from my knowledge and understanding of the conduct of the election that in Jefferson, Wilkinson, and Claiborne Counties this intimidation and violence destroyed a number of the republican votes and kept the voters away from the polls, or that they were forced to vote the democratic ticket in order to save themselves and be allowed to remain in those counties.

Q. Do you know anything further than what you have stated in relation to the changing of the votes at the Washington and Kingston boxes?—A. No, sir; nothing further than I have stated.

Q. Was the party in your county united in the election of 1876?—A. O, yes, sir; they are united. I was there at the election in 1875. There were some few divisions then, but at this election in 1876 the colored people were united, and the whole party was united. I never saw the colored people more desirous of voting the republican ticket than they were last fall.

Q. What are the political sentiments generally of the colored people of Mississippi?—A. It has been my experience that the colored people look to the republican party as their only hope, and that they feel satisfied that the republican party is the only party under which they can receive the just recognition of their rights in accordance with the Constitution.

Q. Was the election in the State of Mississippi, in November last, a free and fair election?—A. In my opinion it was not by any means. From the tone of the democratic press——

Mr. KERNAN. I object to that.

The WITNESS. I am satisfied they did not intend to have a fair and free election.

Mr. KERNAN. I objected to that answer, and you should have waited at least until the committee ruled upon my objection. I object to the witness stating that he is satisfied so and so.

(By Mr. MITCHELL.)—Q. As to the killing of these twenty-five men or whatever the number was to which you have referred, was that a matter of general notoriety and talk in the neighborhood?—A. Yes, sir; it was a matter of general notoriety. Everything was done by the democrates of Jefferson County to cover it up; they seemed to be ashamed of it.

By Mr. TELLER:

Q. You say they did try to hide it?—Yes, sir; they tried to hide it.

By Mr. MITCHELL:

Q. But the fact is not generally denied?—A. The fact is not generally denied.

Q. Not by anybody?—A. No, sir; there is very little said about it by the democrats, and you see very little about it in the papers.

Q. Has there been any statement in any of the papers in regard to it?—A. Not as to the full number. The democratic papers of Fayette said that several were killed, and that many attempted to get away, but did not succeed. My information is derived from colored people who reported the fact to me.

By Mr. FULLER:

Q. Is it the understanding that it was a legal court that tried them?—A. No, sir.

Q. It was no court held by authority of law?—A. No, sir; it was not.

By Mr. MITCHELL:

Q. Were the frauds which were perpetrated in Kingston and in Washington precincts general in other parts of the State?—A. No, sir; those are the only two precincts in the county where any frauds were perpetrated.

Q. But in other counties?—A. Yes, sir; I think so.

By Mr. KERNAN:

Q. You were asked if you know that it was general?—A. No, sir; I do not know it, because I was not there, and did not see the votes put in the box.

By Mr. MITCHELL:

Q. What is the general notoriety?—A. It is the general notoriety.

Mr. MITCHELL. Let me understand you.

Mr. KERNAN. He says he was not in any of the other counties.

Mr. MITCHELL. I do not think the witness understood me. (To the witness.) I understood you to say that in no other precincts in that county were there frauds?—A. Those were the only two precincts in which there were frauds.

Q. (By Mr. MITCHELL.) But do you understand that in other precincts out of the county there were frauds?

Mr. KERNAN. I object to that.

The WITNESS. I understand that there were frauds out of the county.

By Mr. KERNAN:

Q. Can you swear of your knowledge that there were frauds in any other county?—A. No, sir; I cannot swear to anything except to what I saw myself.

Q. I ask you a fair question: Do you know of frauds in any other county? Did you see any?—A. I do not know from my own personal knowledge, but only from general report.

Q. What do you call general report?—A. Well, what is talked about by everybody.

Q. How talked about by everybody?—A. I will illustrate in this way: I have never been in the city of London, England, but I am perfectly satisfied that that city exists. I did not see all these frauds committed, but I am perfectly satisfied they were perpetrated, because everybody says so.

Q. I suppose one part of the community denies that there were frauds in other counties?—A. The democratic party denies them; but, judging——

Q. No matter; I do not ask your judgment at all. I put a fair and civil question. What do you know? Do you mean to convey to this committee the idea that the democratic party or its members concede that there were frauds in other counties?—A. No, sir.

Q. Then everybody else does not say so?—A. No, sir.

Q. One part of the community denies it?—A. One part of the community denies it.

Q. You have no knowledge of your own as to which party tells the truth, from seeing or being present?—A. I have no knowledge as to which party tells the truth from seeing or being present, but my knowledge is based on the vote of former years and the vote this year.

Q. Just now you said it was because everybody said so.—A. That is the reason of the opinion, a comparison of the returns.

Q. You said everybody said so, and now you say it is based upon a comparison of the returns?—A. And I say it is general report among republicans.

Q. Were you born in Mississippi?—A. No, sir.

Q. How long have you lived there?—A. I have lived in Mississippi about three years.

Q. Where did you live prior to going there?—A. In Detroit and in Chicago.

Q. How long did you live in Detroit?—A. Two or three years.

Q. When?—A. I think I lived in Detroit in 1871 and 1872.

Q. What was your business there?—A. I was in the advertising business; in the newspaper and advertising business.

Q. How in the business of advertising? Were you publishing a paper, or doing something else?—A. No, sir; I was engaged in publishing directories, city business charts and directories.

Q. How long did you live in Detroit?—A. I have been in Detroit off and on——

Q. How long have you lived there?—A. At one time about two years.

Q. When was that?—A. In 1871 and 1872.

Q. Where did you live prior to that?—A. In 1868 and 1869 I lived in New Orleans. I was publishing a paper there.

Q. What paper?—A. It was called the Daily Telegram.

Q. That was in 1868 and 1869?—A. In 1868 and 1869.

Q. You were there how long, two years?—A. Yes, sir; two years.

Q. Where were you prior to that?—A. Prior to that I was in Detroit again.

Q. What doing?—A. I was keeping books for the firm of Guy, Hinchman & Co.

Q. How long were you engaged by that firm?—A. I was there but a

little while. I came from Canada there, and remained in Detroit awhile.

Q. You had been in New Orleans next before, and you came to Detroit, and staid a little while in keeping books for this firm?—A. I was keeping books for this firm before I went to New Orleans.

Q. And then you went back again?—A. I then went back again to Detroit, and went to Canada.

Q. You were doing what in Canada?—A. I was with my father traveling.

Q. Traveling in what business?—A. I was in the insurance business.

Q. What kind of insurance?—A. Life-insurance; the Ætna, Hartford.

Q. How long were you traveling there?—A. I was with him during 1870.

Q. What year did you live in New Orleans?—A. In 1869 I went to Canada.

Q. What was your purpose in going to Canada?—A. I went home to see my folks. I was born there.

Q. Does your father live there?—A. No, sir; my father is dead now. I have a mother and sister there.

Q. Where did you go next?—A. Then I went to Detroit, and was there advertising for a while.

Q. Then where did you go next?—A. Then I went to Chicago.

Q. What did you do at Chicago?—A. I was traveling there for an insurance company, for the Rockford City.

Q. What kind of an insurance company?—A. I was there in fire insurance; in the Rockford City.

Q. How long were you in that business?—A. I was a few months there. I was there during the last presidential campaign, about 1872.

Q. Where did you go next?—A. Let me see, 1872 and 1873. In 1873 I went to my brother's in Saginaw, Michigan.

Q. What did you do there?—A. Nothing; I was just visiting there.

Q. How long a time did you spend there?—A. I was there but a few months.

Q. Doing nothing?—A. Yes, sir; I was not doing anything.

Q. Where next?—A. Then I went to Bowling Green, Kentucky, and then I went to Natchez, Mississippi.

Q. Did you stay at Bowling Green any time?—A. A few months.

Q. Doing what?—A. Working for Hinds & Company.

Q. In what business?—A. Grocery merchants; and then again I was in the insurance business a little while.

Q. Then you went to Natchez, Mississippi?—A. Yes, sir.

Q. In what capacity?—A. I started to go to New Orleans again.

Q. But you went to Natchez?—A. I started for New Orleans, and stopped off at Natchez to see an old friend of mine, a schoolmate from Canada, and I have been there ever since.

Q. What business did you go into at Natchez?—A. I wrote for the democratic paper of that city.

Q. How long were you on the democratic paper there?—A. I wrote locals for it for some time.

Q. About how long?—A. Probably about four months. I was writing for the democratic paper there.

Q. What was the name of the paper?—A. The Natchez Democrat.

Q. What next did you do?—A. I took charge of the Natchez New South.

Q. The republican paper?—A. Yes, sir.

Q. One that had been established previously?—A. It was established in 1869.

Q. You took charge of it in what capacity?—A. As editor.

Q. Do you have any other avocation?—A. I am collector of customs.

Q. When were you appointed collector?—A. On the first of June last.

Q. You have been conducting that paper since what year?—A. Since June, 1875. May 29th was the first writing I did for it.

Q. You were born in Canada?—A. Yes, sir; I was born in Simcoe, county of Norfolk.

Q. What is your age?—A. Twenty-nine.

Q. Your home is in Canada? Your friends are there?—A. My friends are there, but my home is in Natchez, Mississippi. I am a citizen of the State.

Q. Were you naturalized?—A. Yes, sir.

Q. When did you become naturalized?—A. I became naturalized in time to vote at the last election.

Q. At the election this last time?—A. Yes, sir; Mr. Paul Boyd of the democratic paper testified to my good character.

Q. Before you went to New Orleans, where did you live?—A. I went to New Orleans in 1868, first, after living in Detroit. When I first came from Canada I went to Eastman's College, Poughkeepsie, and from there went back home; and from there to Detroit; and from Detroit to New Orleans; and from New Orleans back to Canada; and then back to Detroit. I have been in the habit of going home every two or three years.

Q. You were never a member, you say, of one of these military companies?—A. No, sir; I never was.

Q. You say there were three of them, two in the city and one out?—A. Yes, sir; the infantry company and the Tilden artillery in the city.

Q. Did you ever see them commit violence upon any one?—A. No, sir; I never did.

Q. Did you ever see them take part in any act of violence?—A. No, sir; there never has been any violence committed in our county, with the exception of the attempt to mob myself that night.

Q. Did you ever see these military companies do anything in the way of disturbing any republican meeting?—A. No, sir; not as military companies.

Q. As organizations in any way?—A. No, sir.

Q. Did you ever see them in any way making a demonstration by way of menace against anybody?—A. No, sir; but I think their very existence is a menace.

Q. You think the existence of a military company is a menace?—A. I do, in a country of that kind, most decidedly.

Q. Did you ever see them doing anything of a menacing character in their acts?—A. No, sir.

Q. Either by uncivil language or rude conduct?—A. No, sir.

Q. Never at all?—A. No, sir.

Q. There was nothing in the nature of secrecy about these military organizations that you know of?—A. No, sir.

Q. They paraded openly?—A. They paraded openly.

Q. They had their parades and their places where they drilled?—A. Yes, sir.

Q. They drilled out of doors?—A. Out of doors and in the cotton-yard, and in their hall.

Q. There was nothing secret about them so far as you know?—A. Nothing secret.

Q. Did you ever see either of these military organizations go as an

organized company with arms to any meeting, their own or anybody else's?—A. I never saw them go with arms to any meeting.

Q. Either their own or their opponents'?—A. In fact I never attended any of the democratic meetings.

Q. You have never known these organizations committing either as a military company or a political organization any violence, unless it was this violence toward yourself?—A. Well, a number——

Q. I am speaking of what you know.—A. I am going to state it. Some time in the month of October, Miss Mary McBride, from Jackson, Mississippi, a lady who had been making republican speeches throughout the State, came to Natchez with the expectation of addressing the republicans there. I saw her and advised her not to do so. I did not think it was good policy. I told her that our party was not so hard up that we had to have females make our speeches for us. But she was determined to have a meeting. She went to one of the colored Baptist churches in that city to make an address. A large number of the citizens, some of them members of the democratic clubs and also members of these military organizations, went down there in front of the church to the number of a couple of hundred, and, as they all said, they did not intend to let her speak.

Q. Were you there?—A. I was there.

Q. Very well, describe what they did.—A. The mayor of the city came to me and said, "Hardy, this woman will be prevented from speaking; I know they certainly think so, and I do not think she would be allowed to speak." The mayor and myself went into the meeting. I got up on the stand, after holding a few moments' conversation with the lady, and told the people assembled that she had concluded not to speak, and that the meeting was therefore adjourned.

Q. Did that end it?—A. That ended it. The democrats themselves said I did a wise thing, and if I had not done it there probably would have been trouble.

Q. I ask what they did?—A. They went there with bells.

Q. That is no answer. My question was whether you ever knew this club, acting there as a political body as they do, with captains at their head, or as a military body organized and marching, to make threats or demonstrations against anybody?—A. No, sir, I do not know it.

By Mr. MITCHELL:

Q. You said the members went to these meetings?—A. I spoke of members being there. I was as anxious to have her stop speaking as the democrats were.

By Mr. TELLER:

Q. You were anxious because you anticipated trouble?—A. Yes, sir.

By Mr. KERNAN:

Q. You did not expect trouble before you had this conversation?—A. I did, because some leading, prominent democrats had spoken to me.

Q. For what reason? She had not tried to speak?—A. Some of the leading democrats came and said that she ought not to attempt to speak, and they said, "You are the one to stop it;" and I went there and adjourned the meeting.

Q. What is the reason they did not want her to speak? Were they afraid of her eloquence?—A. I do not know, exactly.

Mr. TELLER. They were afraid of the truth, probably.

Mr. KERNAN. No; we were anxious to have joint discussions. Your men were the ones who shunned joint discussions. [To the witness:]

Therefore, of your own knowledge, you know of no violence and no threats except on the occasion when there was some demonstration toward yourself, as I understand?—A. I know of threats, plenty of them.

Q. (By Mr. KERNAN.) Made in your presence at meetings?—A. Not at meetings particularly, but on the street, in talking, in conversation; and I know of interruptions which occurred at public meetings, such as I described, calling our speakers liars.

Q. I speak of any violence or demonstrations and not threatening violence or calling a man a liar?—A. Mr. Leon C. Duchesne, the assessor there, made a speech one night and a committee waited on him the next day. They said he made an incendiary speech, and they put a quietus on him, and he has not spoken since.

Q. Were you there?—A. No, sir, I was not there.

Q. I want to get at anything you saw, and confine yourself to that; I do not want you, when I ask you if you were there, to go off and state what you heard them tell this man.—A. I was not at this meeting, but I knew——

Q. Then you cannot tell what occurred there without stating what is untrue, according to our standard of knowledge.—A. Nothing occurred at the meeting whatever.

By Mr. TELLER:

Q. It occurred after the meeting?—A. It occurred after the meeting.

By Mr. KERNAN:

Q. You did not hear what was said?—A. I know what Mr. Duchesne said.

Q. I do not want what Mr. Duchesne said.—A. He had to come out in a card and explain it.

Q. That does not matter. Did you ever hear anybody threaten a colored man that if he should vote one way or the other he would be disturbed? and, if so, name the man and the occasion.—A. No, sir; I never heard a colored man threatened or heard any one threaten a colored man.

Q. You never heard any democrat threaten a colored man in reference to what he would do if he voted one way or the other?—A. No, sir; I do not go around.

Q. You never heard any one threaten to refuse to employ him if he voted one way or the other?—A. No, sir; I stay in my office and do not go around among the stores. I only know of what was done from what I have heard the democrats say.

Q. I do not ask you what the democrats say.—A. The papers advocated discharging colored men.

Q. I do not ask you what the papers said.

By Mr. MITCHELL:

Q. The democratic papers?—A. Yes, sir; the democratic papers.

By Mr. KERNAN:

Q. So that you never heard a man say to anybody, "You will be discharged," or "I will discharge you if you will vote thus and so," if I understand you?—A. No, sir, I have not.

Q. At this occasion at the court-house, when the mob followed you, you were not injured, although they made a threatening demonstration, as you have described?—A. They made very threatening demonstrations.

Q. But you came back to Natchez and were not injured by them at

any time?—A. I came back under the protection of the mayor of the city and the United States marshal.

Q. You were publishing your paper there?—A. Yes, sir.

Q. Daily or weekly?—A. It is a weekly.

Q. I suppose you charge pretty sharp things upon your political opponents?—A. I generally manage to tell the truth about them pretty sharp.

Q. And then they reply back again, and tell you what the truth is on their side?—A. No, sir; they do not answer me as a general thing.

Q. You have things all one way in your State?—A. All one way in my State.

Q. You charged in your paper that ballot-boxes were stuffed?—A. O, no, sir. Mr. Lynch was there. We were all talking there, and a dozen were speaking about it, but that was after the attempt to mob me the night before the election.

Q. When you spoke about Kingston, I believe you said there was no disturbance—no violence?—A. No, sir; no violence.

Q. And when you spoke of Washington precinct, there was no violence?—A. No violence—only interruptions.

Q. There would be interruptions by the voice?—A. Yes, sir.

Q. Do you know, of your own knowledge, anything about this occurrence at the church, where the two white men were first shot?—A. Of my own knowledge, no, sir. I could not have known it by my own knowledge unless I was there present, and I was not in the county. As I stated, it is all mere hearsay.

Q. So in reference to what occurred about the twenty-seven or twenty-eight negroes being killed; that is not a matter of your own knowledge at all?—A. It is not a matter of my own personal knowledge. I stated that. I know nothing about it only from what I heard from other men who said they were there and in the neighborhood.

Q. I suppose you know nothing, of your own knowledge, about old Mr. Ingram being injured or killed?—A. No, sir; I know nothing.

Q. But you did see a Mr. Ross and a Mr. Thompson having him in charge at that time?—A. Yes, sir; I just noticed them going through the city.

Q. Who is Thompson?—A. I do not know. I do not think he is an officer—not a lawful officer. I think he was just requested to bring that man out there.

Q. And he was taking him from your city?—A. Yes, sir; he was taking him from the city.

By Mr. TELLER:

Q. What was his other name?—A. I believe they call him captain.

By Mr. MITCHELL:

Q. Do you know his first name?—A. R. H., it strikes me.

By Mr. KERNAN:

Q. Where does he live?—A. I believe he lives in Jefferson County.

Q. Just describe when you saw him. Were they both on horseback?—A. Yes, sir; and there was another gentleman with them; they came along the street.

Q. Ross was mounted on a horse, and they had a rope around his neck?—A. Yes, sir.

Q. Which Thompson had hold of?—A. Yes, sir.

Q. I believe you said something about that being the way of taking prisoners?—A. I have seen them taking prisoners that way before.

Q. The manner would not be anything if he was a lawful officer and had authority?—A. No, sir; but I do not admire that way of taking prisoners.

Q. But it is done?—A. Yes, sir.

Mr. TELLER. That would be a remarkable way in our country, I think.

Mr. KERNAN. Yes, sir; we would hardly take them that way.

By Mr. MITCHELL:

Q. Where was this?—A. Thompson arrested Ross in Natchez; I saw them going through the streets.

By Mr. KERNAN:

Q. And you have no knowledge of your own whether he was or was not murdered afterward, or hung, or anything of that kind?—A. I did not see any one overpower the guard and I did not see them hang Ross; I heard they did.

By Mr. TELLER:

Q. Was the statement that Thompson had been overpowered, and Ross hung by a mob?—A. Yes, sir; that is what the papers said.

By Mr. KERNAN:

Q. Who brought you this whip which is to go in as Exhibit A?—A. I do not know; a colored man about a week before I left, and said——

Q. You do not know his name?—A. No, sir; I did not ask his name.

Q. You do not know his brother's name?—A. I do not. I never asked his brother's name.

Q. You do not know whether he told the truth or not?—A. I do not. If you had a hundred darkies to call on you a day you would not ask the name of every one.

Q. You say darkies often call on you, but this one brought the whip and left it with you, and you did not learn who he was or where he came from?—A. I understood that he came from Franklin County.

Q. You do not know whether his brother was whipped?—A. I did not see him whipped?

Q. If he was whipped you have no knowledge what it was for?—A. I have no knowledge of what it was done for if he was whipped. He only told me that his brother had been whipped.

Q. When did you leave home?—A. To come up here?

Q. Yes, sir.—A. A week ago Sunday night.

Q. How long before had he left the whip with you?—A. I suppose a week or ten days, or perhaps two weeks before.

Q. What was the object of leaving it with you?—A. He only came there and told me a long story and wanted me to put an account of it in the paper.

Q. What did he leave the whip for?—A. He said, "Here is what they whipped my brother with; you can write about it."

Q. He left it with the view of having a description given?—A. I suppose that was his object in leaving it.

Q. Who was this man who told you he was an unerring marksman, and would shoot you if any contingency arose?—A. I can give the name, but I am not very safe to go back if I do.

Q. Give the man's name.—A. Mr. Samuel Stanton, one of the most prominent gentlemen of the city.

Q. When did he tell you that?—A. Some time before the election.

Q. Have you given all that occurred between you and him?—A. All. I never had any unpleasant words with him.

Q. Where was this pleasant conversation?—A. I went into a res-

taurant with a gentleman and there were five or six in there. His brother was also there at the time and his brother took him away.

Q. There was no unpleasant talk between you and him, then?—A. No, sir.

Q. None at all?—A. No unpleasant talk, only we were talking politics.

Q. You and he were talking?—A. We were talking with half a dozen and he came up there and asked me, "Why do you not come over with our people?" Said he, "We used to think a great deal of you here, and we would like to have you come over. Some of you leading white republicans have come over, and you ought to come. If you come over it will be all right." Said I, "That is a mere matter of opinion." Said he, "I will tell you, Hardy, I am an unerring marksman, and the first trouble that occurs in this town I have got you picked out, and a ball will go through you," or something like that.

Q. Have you met him since?—A. I have met him since.

Q. Have you spoken with him?—A. No, sir.

Q. Has he spoken to you?—A. No, sir. I have watched him very closely.

Q. Nothing has occurred between you?—A. Nothing. He has not moved at me.

Q. Was he the one who said he would not take the dupes, but the leaders?—A. He did not make the remark that night, but I have heard that remark made many times.

Q. Did he say that?—A. No, sir; not to me.

Q. What democrat did you hear say he would not take the dupes, but the leaders—the men whom he supposed set them on?—A. I heard Mr. W. T. Hewitt, one day when we had a meeting there, say, "If any trouble occurs it will not be the poor ignorant negroes who will be shot, but the leaders."

Q. He was speaking of what would occur if bloodshed and collision arose?—A. Yes, sir; he said that there were certain men he would pick off first.

Q. As I understand it, he said, "If a conflict does arise it will not be these poor deluded negroes but the leaders that we will make suffer"?—A. I suppose that is it. He called them deluded negroes.

Q. They were talking about the danger of riot and bloodshed, and they said that in the event trouble would come it would not be these men which they seemed to think were deluded, but those whom he thought knew better, who should suffer?—A. Yes, sir. There was a little fight on the street that day between a colored man and a white man. I was standing at the court-house, and Mr. Hewitt said, "Go up and stop that fight."

Q. You need not bother about that. I wanted to get the idea of the expression. You personally did not see anything in the way of intimidation in Jefferson, Washington, or Claiborne Counties?—A. No, sir.

Q. You did not?—A. No, sir; I was not in Jefferson or Claiborne Counties at all.

Q. Have you given all the facts within your own personal knowledge about anything that was unfair in the election?—A. Yes, sir; I think I have. I have not stated all the interruptions that we had at meetings.

Q. I do not mean little interruptions, but in the way of threats and intimidation?—A. I have given all the facts I know of my own knowledge.

Q. The others have been on the information of somebody or other?—A. As I have stated.

WASHINGTON, *January* 19, 1877.

MERRIMON HOWARD sworn and examined.

By Mr. MITCHELL:

Q. What is your age?—A. I believe I shall be 56 on the 8th of next March.

Q. Have you ever been a slave?—A. I have.

Q. Until what time?—A. I was a slave up till 1854 or 1855, I think it was, positive.

Q. You then became a freeman?—A. A freeman under purchase by my mother.

Q. Where do you reside?—A. My home has been in Mississippi since I was ten years old, except about three or four years I spent in New Orleans, and following the river.

Q. In what particular part of Mississippi do you reside now?—A. My home is in Jefferson County, Mississippi.

Q. At what place?—A. At Fayette, the county seat.

Q. How long have you resided at Fayette, Jefferson County, Mississippi?—A. Since 1855. I have always claimed that as my home. I spent part of two years in New Orleans, but I have always claimed that as my home. For about a year and a half I was steamboating on the river.

Q. About when was it you were in New Orleans?—A. I went to New Orleans in 1860, and remained there until after the surrender of the city.

Q. What offices, if any, have you held in the State of Mississippi?—A. Several.

Q. State what they were.—A. I was first appointed magistrate by Governor Ames when he was provisional governor of the State.

Q. When was that?—A. In 1869; I think the spring of 1869.

Q. A justice of the peace, you mean?—A. Justice of the peace.

Q. How long did you hold that office of justice of the peace?—A. I held it during the balance of the year. I was elected the same fall a member of the legislature.

Q. A member of the house or senate?—A. A member of the lower house.

Q. How long did you serve as a member of the lower house?—A. I served out that term, two sessions.

Q. What other offices have you held?—A. I have been elected sheriff three terms in my county, Jefferson County.

Q. When were you first elected sheriff?—A. I was first elected in 1871, and after I had been elected, before it was time to enter on the discharge of my duties, I was appointed sheriff by Governor Alcorn.

Q. And then you were elected again?—A. I was elected, but it was not time to qualify. I could not qualify under the laws of the State until January or February, and I was appointed by Governor Alcorn during his administration to fill out the unexpired term of my predecessor.

Q. Until the time your elected term commenced?—A. Exactly.

Q. You filled your appointed term, and were elected and filled that term. What else?—A. I was elected again in 1873, and served out that entire term. I was elected then in 1875.

Q. When did it end?—A. The first Monday of January.

Q. Did you run as a republican at the time you first ran?—A. Always a republican.

Q. What was your majority in the county when you were elected to the legislature?—A. My majority in the county when I was elected to the legislature, as well as I remember, was about 1800 or 1900. I got a good large support from the democracy.

Q. When you were elected to the sheriffalty the first time, what was your majority?—A. Sixteen hundred and something in 1871.

Q. The second time how much?—A. I had no opposition in 1873. There was a very small vote. There was no opposition and no excitement in the county.

Q. When did you quit the office of sheriff finally?—A. My office was declared vacant by the board of supervisors of the county the first Monday in August last.

Q. For what reason?—A. Allow me to explain briefly. In 1875 I had declined to allow my name to be used as a candidate for sheriff and had so informed my friends, white and colored. The democrats themselves came to me, numerous of them, and insisted that I should allow my name to go before the people for a third term. The republicans wanted me to come out for member of the legislature again, and I desired it also; but inasmuch as my white friends insisted that I should not retire from the sheriff's office, as I had given satisfaction and they preferred having me to any man in their own party; that is, the democrats; and inasmuch as it seemed to be the unanimous wish of the white people, the large property-holders of the county, I consented, and so stated in a mass-meeting that I consented solely on that ground to become a candidate for the third term. I was elected by a very large majority. There was a democratic candidate who came out against me, though the democrats had promised that no man should come out against me. A very prominent democrat did come out against me, however, but he received a very small vote. I think about 450 was the highest vote he got.

Q. When was that?—A. In 1875. Soon after I had been elected, before I had thought of going to work to make my bond, the newspapers in the county commenced fighting the people and warning them not to go on any republican's bond; not that they had any fault with me. I discharged my duty; but they thought it time that the democrats were looking to their own interests. They got up a terrible fight over me about that, notwithstanding there were a great many prominent democrats in the county who were warm friends and supporters of mine. They told me to pay no attention to what the newspapers said, but go on and make my bond. Under their advice I went on and made my bond. After I had made my bond and entered on the discharge of my duties for the last term, 1875, I had not been in office over a month before some of the citizens called on the board of supervisors and told them my bond was not worth a straw; that it was a straw bond and they wanted a new bond. The board of supervisors had a meeting. The president of the board called me before the board and notified me that I would have to make a new bond. They had a big fight before the board; they had their lawyers and I had mine. There was a big fight in the board. I submitted my bond; it was a good one, a better one than I had given heretofore; but after they got up to fever-heat I went to the president of the board and told him I was willing to make a new bond to satisfy those gentlemen that I did not consider that they were fighting the bond at all, but were fighting the republican party and the color of my skin. That is what I told them, "It's the color of the skin you are fighting; my color you are fighting."

Q. What was the amount of your bond?—A. Forty-eight thousand dollars.

Q. Was it a good bond?—A. I thought it was a good bond. It was a splendid bond. I went ahead and made a new bond. They found fault with that bond. The president of the board of supervisors had

another meeting called, and I was ordered to increase the bond $4,000; which I did readily. After I had increased the bond they passed a law in the legislature of Mississippi, requiring all the sheriffs of the State to give new bonds by the first Monday in August, or the board of supervisors should declare their offices vacant. I made a proposition that I would throw up the office and quit; that I would not be deviled by it any longer. But my democratic friends came to me and told me, no, go on, and I could make my bond. Several of them came and went on the bond. A man named Eastman voluntarily came and offered to go $5,000, and Mr. Hunton offered to go $5,000. I got my bond nearly completed, lacked only about $3,000 of completing it, when I received a notice from Mr. Eastman, who was on my bond, who had always been on my bond, that he belonged to the democratic club, and that a resolution had passed in the democratic club-meeting, and all the members had been required to sign that resolution, that they would not go on any republican's bond, and he would consequently be compelled to go off the bond. In other words, he told me himself that they had threatened to withdraw from him their patronage—he was a large merchant there—and he had to get off the bond. I threw up, and would not do any more, and let the office be declared vacant.

Q. Relate, in your own way, the character of the campaign in Jefferson County in 1876.—A. They had no campaign there.

Mr. KERNAN. As you go along indicate what you know or saw yourself.

The WITNESS. When I get to what I have heard I will notify you.

Mr. MITCHELL. Condense as much as you can.

A. In the latter part of July or first of August, 1876, soon after the Cincinnati convention, we had received intelligence that the republicans had nominated Hayes and Wheeler, and the republicans became very enthusiastic throughout the county. Some had it that one man was nominated, and some another; and they were all anxious. The people were in the interior, and they wanted to find out who was the real candidate, and commenced flocking to town; and we determined that they should have a mass-meeting, the colored people, the republicans. Being cognizant of the fact that there was a general arming throughout the county, I protested against getting up any meetings, and tried to keep them from having any meetings.

Q. What do you mean by arming? Who were arming?—A. The white men were arming; the democrats were. I had seen arms myself, seen them given out, and democrats had told me what was going on. I was very familiar with them, and they would tell me anything. I used all my influence against the reorganization of the republicans, but in spite of all I could do, they would have a meeting; and they insisted that ex-Senator Pease should address them. Ex-Senator Pease was sent for to address the meeting at a place called Dobbin's Bridge, in Jefferson County, near Rodney.

Q. About what date was this?—A. I think it was about the first week in August or last part of July; near about that time. We me down there, some three or four hundred of us. I went as sheriff of the county; I did not want to go, because I had told them I did not intend to make any speeches; did not intend to attend their meetings; but on this occasion I felt called upon to go. My reason for going was that I had received information from various persons that the democrats would go there armed and break up that meeting, and I thought it was my duty to go there, as the law required me to keep the peace in the county. I went down, and before the meeting had time to organize, forty

or fifty democrats arrived on the ground, which was an unusual scene. The colored people seemed to be a little alarmed. Some seemed not to care anything about it. We used a two-horse wagon for a stand. I got up in the wagon and made some remarks about these democrats coming—extended them welcome. I told them that I should like to know their mission. Said I, "If you come here in the interest of peace, we extend to you the olive-branch. If you wish to take part with us in this discussion, we will give you that; we will divide time with you;" and I invited them to a joint discussion, which was accepted. I was to be the last speaker on the stand myself; I was to close the meeting; that was the programme provided. Ex-Senator Pease failed to arrive, as expected; he was late getting there. If he got there, I was to give him all my time, and as much time as he wanted to speak. But after he got there—he got there before the last speaker got through—there seemed to be a disposition then on the part of the democrats to confine Pease to the limited time of one hour in which I was to speak; but some of the other democrats objected, and said he had a right to speak as long as he pleased at our meeting, and did not think it was right for them to dictate to us their terms. So that blew over. He made a speech and the meeting broke up in peace. As the democrats went off, the republicans gave three cheers to the democrats, under my directions, because they had behaved themselves.

Shortly after that they raised their own flag-pole at the county seat of Jefferson County. On that day there was a good deal of excitement in town. A great many colored people came to town under my advice. I advised them to come and go to the democratic meeting; advised them to go there and hear for themselves. When they asked me was I going, I told them no. They wanted to know why. Said I, "What is the use of a man going there and hearing himself insulted? That is about all they will say; but I want you to go and hear for yourselves;" because I was satisfied the democrats would make such speeches that they would not follow them. I was satisfied, further, that if the colored men would go and hear their speeches, we need not make any speeches at all. That was my idea about it. That was why I wanted colored men to go and hear them.

Q. Did they go?—A. Some few went, and when they adjourned for dinner, some of them came back and complained that some of the democrats were hunting a colored man to shoot him for tearing a Tilden badge off another colored man, a colored man who had joined the democratic club. It was said some colored man jumped at him and took his badge off as he came along the street. He reported it to the democratic club; they got after the fellow, and he got out of the way. From that time there seemed to be a general dissatisfaction throughout the crowd. I was at home eating my dinner, when Judge Shackleford, a prominent lawyer there, came to my house, and before he got to the house I heard him ask where was the old man, and I heard some colored man, who was setting on my front steps, without any advice from me, halloo to him that I was not in. I poked my head out of the window and said, "What did you tell Shackleford I was not in here for?" Said he, "They want you to go up and hold a joint discussion with that democratic nigger up there, and they will make a fuss." Says I, "That's all right." I went down on the grass, walked round, got my horse, and concluded I would go in the country that night. When I got out, Judge Shackleford came running back to my house and asked my wife if I was in. She told him, "Yes." He told me he had never worked harder in his life than that day to keep the mob from going down there to take

me out and hang me; that it was generally believed I had prevented the negroes joining the democratic clubs and attending the democratic meeting; that they had some information that I had been around and canvassed the county, and had prevented the colored people from joining their clubs. Said I, "That is not so; I have been advising them to go to your meetings; I want them to go." Said he, "That is what they believe, and you must get away from here." He insisted I should go. My wife and children became frightened; thought I was in a great deal of danger, and to satisfy them, I got upon my horse and went into the country that night. I came back the next day. Things passed along. I noticed after that there was a general patrol in my vicinity, around where I live, and I could hear of it all over the county.

Q. By the democrats?—A. By the democrats; armed men all over the country.

Q. What kind of arms did they have?—A. Pistols. I only saw one or two men with guns. I saw some men going about with guns, but most of them with pistols, Navy sixes.

Q. Did they have an organization?—A. Yes, an organization. They drilled in the country. I never saw them drill in town, but heard they drilled in the country. I never saw them drill myself.

Q. Go on.—A. I will state that on one occasion a white lady, her husband had recently died, sent me word she wanted to see me on some business. I went down to see her, and I was told when I got back that when I left town three democrats armed themselves and followed me. I did not see them. I got back to town about one o'clock, and that evening about forty or fifty armed men paraded the streets several times and then dashed out in the same direction I was going, which was Saturday night. The Sunday morning following three or four colored men, friends of mine, who lived eight or ten miles in the country, came to my house to see what had become of me, and said there was an armed body of men hunting for me all day and night. One was an old preacher; he said they came to his house between midnight and day searching for me. They thought I was holding a political meeting. They had seen me leave town that morning and thought I had gone to hold a political meeting. I treated it as a joke and laughed it off. Things of that character went on and that state of things lasted until about the 19th of August.

Q. What then?—A. About the 19th of August, we had arranged to have what we call there a grand republican rally in Fayette. We had got out our flag-pole, had our flag made, our streamers with Hayes and Wheeler's names on, and we had proposed to raise it. I went to Natchez, and was away from home during the week stirring up my friends to get everybody to turn out. I was working in my county and in Adams County; I wanted a big demonstration; I had not proposed to hold but one or two meetings; I thought it better to have one or two big ones than to have very many small ones. I got home from Natchez Friday morning, a little after daylight. About 9 o'clock in the morning a democrat there by the name of McClure called at my house and said they had wanted to see me for the last three or four days; that I could not be found anywhere. He said Capt. Jeff. Whitney wanted to see me, also another democrat, and accused me of dodging from them. I told them that I did not dodge from anybody; I would see him in the court-house or anywhere that he wanted to see me. He said he was here at my gate. Just at that instant a man rapped at my door. As he started out to bring Whiting in, a stranger stepped in and handed me a letter.

I put the letter in my pocket till I got through the conversation. Captain Whitney came in my room, and we had a private talk. The first question he asked me was, was it our programme, or was it our intention, to have a grand republican meeting on Saturday, the 19th of August. I told him that was the calculation. Well, he wanted to know if we expected a big crowd. I told him I did. He wanted to know where we intended to hold it. I told him. Said he, "Do you intend to raise a flag-pole?" Said I, "Certainly." "Now," says he, "I want to ask you another question. Did you or did you not get on your horse and ride around the country and notify all the negroes to come in here armed?" The question was such a preposterous question I did not know how to answer it; I replied to him very gruffly. Said I, "You must be foolish; what do you ask such a question as that for?" or something to that effect. Said he, "I want you to answer my question." Said I, "Don't ask me such a fool question as that." I got mad at his having asked such a question.

Q. You had not done it?—A. I had not done anything of the kind. They knew I had always been a man to keep the peace in the county. I looked upon it as rather a presumptuous question. I became very indignant. He was inclined to scold me a little for not answering the direct question. I told him I had not done anything of the kind. He said he had contradicted the report, and had been trying to use his influence to keep his brother-in-law and Mr. Truly, or some other democrat there, from sending a dispatch off to the adjoining counties to bring in the other democratic clubs to help them kill negroes. That is what he said, and said he, "Now, if you are going to have that meeting here to morrow you are going to get about four or five or six hundred of your men killed, and you are going to be the first man to fall. If you attempt to raise your flag-pole to-morrow," said he, "you will be killed." "Now," said he, "for God Almighty's sake and humanity's sake, break up that meeting if you can; you republicans have all been kind to me, and you have always kept me in office; I have never asked you for anything, but you have always honored me, and I cannot stand by and see you slaughtered; I am here simply to warn you of the danger, and I want you to break up that meeting, because this town is going to be crowded to morrow with armed men." I hooted it off; I thought it was just a bluff. He retired. I then opened my letter. My letter read, I think, in this way—a note from Mr. Richardson at Port Gibson: "I have just been up in town, and I find three or four hundred armed men and one piece of artillery just ready to move upon your town to break up your meeting to morrow. Look out."

Q. Is not Port Gibson the county-seat of the adjoining county?—A. Yes, sir. This was a letter from the present postmaster there, a particular friend of mine.

Q. What county is that in?—A. Claiborne County. I showed the note to two or three friends, and tore it up. I went across to the chairman of the executive committee, right opposite my house; I went over to see him and showed him the note, and he thought it was a bluff, and insisted the meeting should go on. We had a squall over it all day long till late in the evening. We got about twenty-five or thirty republicans in the room and had a little caucus over it; two or three speeches were made. I contended the meeting must be broken up. I was satisfied these men would not deceive me; and after the meeting adjourned the first man who passed on the street was Mr. Truly, a leading democrat, a very bitter democrat, there.

Q. The gentleman who was referred to by witnesses the other day?—

A. Yes, sir. Nevertheless, he was always a good friend of mine. I stopped him and asked him to go to my room, as I wanted to talk to him. We went over, and he sat down, and we had a talk of over an hour. He assured me that if we attempted to hold that meeting there would be trouble in the county. This was the evening of the 18th of August. We talked the matter over freely, and he told me that anybody who said he had had anything to do with sending any dispatches for troops to come were damned liars, and nobody should tell him so, and he became very indignant about the matter. He finally set in to begging, as Captain Whitney had done, to break up the meeting, not to have it. He said he did not want to see it; he said he had nothing against the colored people, but did not want to see it, and he himself had done all he could to keep them from bringing any troops there. I asked him why we could not go on with our meeting and hold the meeting, as we had done heretofore. He said simply because we could not do as we had been heretofore doing. Then I wanted to know who were the men trying to prevent it; his reply was that it was irresponsible young men who had become of age, who had sworn that they would not put up with this radical and negro rule any longer. Then he got up out of his chair and told me, "If you leaders attempt to raise that flagpole to-morrow there will be bloodshed." Says he, "If there is one shot fired there is no telling where it will end; now," said he, "for God's sake, you break up the meeting if you can; I want to beg you to break it up." Acting on his advice and the advice of Captain Whitney, I mounted several men who had come to town to learn my programme about the procession. They always come into town in procession, under music, flags flying, and hurrahing for the republican party. That was the programme always, and they always came to me to get their instructions how to come into town. I advised them to go home and advise everybody to stay at home. I got on my horse and rode all night long, I never stopped until after sunrise, going from plantation to plantation, and sending men out in all directions to break up the meeting. I went down into what is called the fifth district, the river district, myself. On my return I was a good deal fatigued, and got a little sleepy on my horse. I heard a racket coming, my horse commenced fretting; I did not know what the difficulty was; I heard the noise coming nearer; I got out of the road, and pretty soon I reckon about one hundred armed men came dashing by on their horses.

Q. White men?—A. White men going full dash. They rode within twenty feet of me, but did not see me. I was up on a little bank.

Q. How many guns had they?—A. I could not see to count the guns. They passed right by; I think they were nearly one hundred. They were carrying the guns on their thighs.

Q. About what time in the night was this?—A. One or two o'clock in the morning.

Q. Whereabouts was that?—A. In Jefferson County, between Rodney and Fayette. They were going toward the river.

Q. Coming from where?—A. From towards Fayette.

Q. Go on.—A. I went on to Fayette. When I got within about a mile of Fayette, opposite the fair-ground, I discovered a lot of horses tied on the edge of a little pine thicket. I found some eight or ten men lying there under the bushes, appearing to be asleep. They did not hail me, and I judged they were asleep. I rode by very quietly and made my way into town. When I got to town it was not quite daylight. I discovered at the upper end of town a good deal of moving around. I rode into my yard and asked my wife what had transpired.

She told me nothing, only the town was full of armed men; a big crowd left town immediately after me, and she thought they were running after me. I asked her if she knew what had become of McClure. She said McClure was secreted in my garden, afraid to stay in the house.

Q. Who was McClure, a republican?—A. One of the republican executive committee.

Q. A colored man?—A. No; a white man. I went to see him. While we were talking we heard several footsteps tramping on his gallery, which is very close to my house. I could not see from where I was, but he went up and looked and said he could see the men plain. He said at one time that he was going to fire; I begged him not.

Q. Where did you find him?—A. In my garden. My garden is next to his wood-house. My garden is between his house and my house. We had a conversation there. While we were there we heard somebody rattling at the doors, and heard somebody calling for him on his gallery.

Q. Rattling at the doors of his house?—A. On the doors of his house. We were then near them—not more than twenty feet from them. The fig-trees were very thick there, and he was secreted under the fig-trees. I could hear voices, but could not distinguish the words exactly. Inasmuch as I had nobody riding in the eastern part of the county, and had sent out no messenger to stop people in the east from coming in, I left him to take care of himself, and I went on my mission of stopping the people from coming to town, and forbidding anybody coming except those who had to come to register. The registration was going on at that time. I am satisfied I turned back over a hundred myself; but being very tired, I remained in the county until near night. About dark I got on my horse and started into town. When I got within about a mile and a half of town, making a short curve around the road, I suddenly met with a crowd of white men armed.

Q. How many?—A. Seven or eight. I had not time to take particular notice of the number; but when I saw them my first thought was that the best thing to do was to make a charge right through the crowd. If I was to wheel and run, they would know who I was, and would probably shoot me. They spread themselves out across the road, and I made a dash right through the crowd and came near knocking one man off his horse, and another came near knocking me off, but I made a charge and went through, and the first place I got a chance, I dashed into the woods, and soon after that two or three men came flying right by me.

Q. Two or three of the same men?—A. I suppose two or three of the same men. I went on to town and met some of my friends on the outer edge of the town who told me I could not get into town—the streets were picketed. That was Saturday night, the 19th.

Q. Picketed by whom?—A. Democrats—the same men armed who who had come to break up the meetings. As the republican meeting did not go on, they got to fighting among themselves and shot one of their own men. I will state that as I go along.

Q. About how many armed democrats were there the day that meeting was appointed for?—A. I did not see any of them myself except the crowd I met that night. I met those two separate crowds that night. Those that I met that night were all I saw myself, but I learned from both white and colored that they had at least from twelve to fifteen hundred.

Q. From twelve to fifteen hundred armed men?—A. Yes, sir; that was what they reported to me. I got it from democrats and republicans. I did not see any of them myself except what I saw in the night.

Q. Were they armed with guns?—A. With pistols and guns; but I was told and informed also that each company had a two-horse wagon loaded with guns behind them.

Q. Had they any cannon?—A. Yes; they had cannon. I was told by a democrat there they had three pieces of artillery; that he saw three pieces.

Q. Where did they have them?—A. One planted right in town, I believe, and the rest near the town.

Q. Did they hold any political meeting after they got to town?—A. No; they came right to town and took possession of the town. They were already organized and came right in and spread all over town and commenced hunting and inquiring for the republican leaders. That would seem to be the general topic of the day, "I want the republican leaders; I want to see these republican leaders." That was the information I received when I got back Sunday morning.

Q. Where did these armed men come from principally, do you know?—A. Claiborne County, and, I believe, some from Natchez; I think some from Franklin.

Q. How long did they remain in Fayette?—A. Some remained about there till Monday. I saw some of them about on Monday. I heard a portion of them went down to Rodney, and I heard they went into Rodney.

Q. Go on and state anything else you know in regard to the campaign in 1876 in Jefferson County.—A. After that we got along tolerably well excepting being annoyed by the constant appearance of these men riding all over the country. There seemed to be a perfect reign of terror all over the county. You could see men with red shirts on and uniforms on and their pistols buckled on, their shot-guns or their Winchester rifles, riding about any time of day.

Q. Were these democrats generally uniformed?—A. Nearly every man. You would hardly see a dozen men but what had on the uniform. We were to have a grand mass-meeting there on the 28th of October, the day that had been appointed by the State executive committee to have Mr. Lynch, our candidate for Congress, address the citizens and the republicans of that county. During all that time the republicans in Jefferson had done nothing.

Q. After the time this meeting was broken up until the election, state what meetings, if any, the republicans held in the county.—A. They held none.

Q. Why?—A. Because we could not hold any meetings. The democrats were there armed, and they were threatening all the time.

Q. Were there threats of personal violence in case you held a meeting?—A. They just said there should not be any meetings. It was published in the newspapers that if we held any meetings the speakers might be prepared to take back the damned lies that they were going there, and were going to confine us; make us tell the truth, and no more lies should be told, and they accused the leaders of trying to prejudice the minds of the colored people against them.

Q. Was anything that any leading republican speaker said there regarded as true by the democrats?—A. No; the democrats did not believe anything a republican would say.

Q. Describe the meeting that Mr. Lynch attempted to hold on the 28th of October, at Fayette.—A. I had advised the republicans I was fighting against these meetings; but when they would come, I belonged to the party and of course I had to move with them. I was in the current and of course had to move.

Q. Were you fearful of bodily injury yourself?—A. No, I was not then, but still I was fearful for the rest. I did not think they would bother me, but I was afraid of my friends being injured, and it was on their account I begged them to have no meetings, because I knew some of them were indiscreet and would say things they did not mean. So they had no meeting, and had been prevented all the time under fear of violence. I had exerted myself for one week to get up a large meeting, as Mr. Lynch was to be there, and I was not willing he should come up there and go away and say we were not able to get up a meeting in Jefferson County, that the republicans would not put themselves to any trouble; and I went out and exerted myself to get up a meeting, and succeeded in getting up one of the largest meetings we ever had in the county.

Q. That was to be a republican meeting?—A. Solely republican.

Q. Describe what took place.—A. I had instructed the men to organize the procession before they got to town. I was careful to go to every neighborhood and send word out by every leading republican in the county that I could get hold of, that no man was to come to town with arms, not even bring their pocket-knives, but to bring their wives and children; that I wanted to get all the children of the county together, so that I could show the number of educatable children in the county. I wanted to have the children all in procession together, and the men in procession together, and wanted to make a grand display.

Q. Did they come in pretty generally?—A. They were coming in, and to meet them I got on my horse. I am a little before my story. On Friday evening, the 27th, I concluded I would go and raise my flag-pole. I got a spade and dug out the hole myself with another friend, got a crowd of men together, and we put up the pole, and put the flag up Saturday morning. Then I proceeded out to these men and made them come together. I made them throw the band-wagons out, so as to let the people get in town. Band-wagons cannot travel fast enough. We had two bands of music. I made them throw the band-wagons out, and made the men strike up music. I was out at the head of the column. We went on to town. To my great astonishment, when I got to town I found the main street completely blockaded with armed men, white democrats.

Q. How were they armed?—A. With side-arms; they had on their uniforms.

Q. Where were they drilling?—A. Only just sitting on their horses in the street.

Q. About how many?—A. There looked to be about 150 or 200.

Q. Together?—A. Standing in line, in a procession, just as you would march on horseback. Then there were a good many scattered out. I rode up and halted the procession within 20 feet of them. I looked down the crowd and they appeared to look very angry, some pretty determined. I at once came to the conclusion they did not intend to let us go down that street.

Q. About how many colored people were coming into town to attend the meeting?—A. Some 1,500, probably 2,000; a great many had already got to town.

Q. Had they arms?—A. Not one.

Q. About what proportion of this crowd of 1,500 coming in were women and children?—A. The women and children were on foot or behind in wagons; they were not in our procession; they came in last. There were about 1,500 or 2,000 men.

Q. Peaceable and orderly?—A. Peaceable and quiet. I halted the procession when we met. I rode down one side and up on the other, inquiring of our men if any of them had any arms.

Q. What did they say?—A. They told me no, and some of them said they did not even have a pocket-knife; that they had received instructions from me not to bring any arms. Then I ordered them to drop the band-wagons and follow me to town; we were then two miles off. We got to town and met these men at the end of the street, as I told you, I made a flank move to the right and attempted to carry my procession down Main street. Excuse me a minute and I will go back to Thursday, the Thursday before Mr. Lynch was to speak. I had forgotten that, but I want you to know it. On Thursday the chairman of the democratic executive committee was sitting at a bar-room door with a lot of gentlemen; I was passing down the street and he called me.

Q. Who is he?—A. Mr. Torry. He asked me if I had been appointed United States deputy marshal. I told him I had. Well, they laughed and joked about my commission awhile. Some one in the crowd, I do not remember who, asked me if we were going to have our meeting Saturday, and where we were going to have it. I told them we calculated on having it, but had not decided where to hold it.

Q. That is, in what part of the town?—A. What part of the town. The democratic platform was quite in sight, and the grounds they had arranged with seats; he pointed to their stand and said, "There is our stand; you are welcome to use that; we are not going to use it." I thanked him very kindly, and then turned and asked them if they intended we should use it sure enough. Two or three of them spoke up and said, "Certainly, you can use it, and welcome to it." I took it as a compliment, and went to the chairman of the republican executive committee and told him the kindness of the proposition of the democrats to the republicans. We all seemed to be a good deal elated about it. Friday morning the cars came and I met Mr. Lynch at the cars. His first question was, "Do you think they are going to let me speak here?" "Do I? Certainly: the democrats have tendered me their grounds and platform, stand, everything; we are feeling kind of good over it," I replied.

Q. You were going to have a good time?—A. Yes. So when I met these men at the end of the street, I wanted to march my procession through the town to that stand. I could not understand exactly their programme. Although it had been published for weeks in the newspapers that every democratic club in the county must meet Lynch in Fayette, I paid no attention to it at all; thought it was merely gas, and as the chairman and some of the leading men said he could use their stand, of course I placed great confidence in them, and I made a flank move to go around to the stand.

Q. So as to avoid these men?—A. So as to avoid these men riding in the procession, to make the procession form a circuit and go around in good order. I had a chance to see the far end of the street. There appeared to be about two hundred more armed men at that end.

Q. Democrats?—A. Democrats; and there was a piece of artillery planted. I saw the wagon, it was a fodder-wagon, but I was told it was full of guns. A man stepped to me and said: "My God! don't bring your men in here; that wagon is full of guns." I looked around and there was the cannon; I rode around the flag-pole and cannon, brought my men out and got them out of there as quick as possible, because I saw the democrats closing up on us, and I was fearful when they closed up they would begin to damn and curse the colored men, and the colored people would begin to damn and curse at them, and that would bring on a collision, and I was for getting out of that as fast as possible. I made a quick move, gave the men orders to keep close to me, and we closed back and got to the next cross street.

Q. Did the colored people keep quiet and peaceable?—A. Very quiet; I would not allow them to yell, even. When we got down to the corner of I think it is Harrison street, I told one of the men who was in the lead carrying the flag, "You stop with that flag where I stop, and I will send the procession around to the colored church." I got up to the head of the column and told the man in the lead, acting as marshal, "You go right on to the church, and tell the crowd to follow you." I turned back, met the United States flag about half-way in the procession, and ordered that man to halt. I cut right across the street, and we all met at the church. I had a wagon drawn up in front of the church, a colored church, in the square out there, to be used as a public speaking-stand. I ordered the colored men to surround the church to keep the democrats out. Said I, "They have deceived us; they promised us their stand and will not let us have it, and would not allow us to go even through the streets with our procession, and now, goll darn them, they shall not come up to the meeting at all; they must take back seats." I made the men come around and surround the republican stand, so that they could not come there. I would not allow the men to dismount, but made them keep on their horses.

Q. The colored people were on horses?—A. On horses and mules; there were as many on foot as on horseback, nearly.

Q. Go on.—A. I sent up and got Lynch and a lot of ladies to come down. After moving around, and some other preliminary arrangements not worth mentioning, I got up in the wagon which was used as a stand with the intention of introducing Mr. Lynch as our candidate for Congress, and did so very briefly, when the editor, Mr. Truly, whose name you have here, asked me to allow him to speak a few words. I thanked him, and thought of course he was going to join me in help conducting the meeting peaceably. Right there I want to show you. On the Saturday morning before I left town to meet this procession some colored men came marching into my yard and told me the democrats on the street had said Lynch should not speak. Said I, "That is against what they told me," and I drove them off. Pretty soon two or three other messengers came and I drove them off. Finally I concluded I would go and see the sheriff. I went to the court-house and found Captain Darden, who was considered the captain of that club there. Mr. Truly and the sheriff were in the court-house. They assured me there would be no trouble unless the colored people made it. Said they, "There will be no trouble unless your people make it." Said I, "I bet my life they will make no trouble; they never have done it." I had an interview with the sheriff then. He told me he had appointed seventy-five men to keep the peace. "Well," said I, "I don't want your duties and mine to conflict. I have been appointed deputy United States marshal." Said he, "I know that; but you cannot exercise any authority here. You have no right to exercise or attempt to exercise any authority." Mr. Darden spoke up and said, "Nobody can exercise any official authority here except the sheriff. The sheriff alone is responsible, and he can keep the peace here. He has detailed seventy-five men to keep the peace, and there will be no trouble unless your men make it." Said I, "I will guarantee there will be no trouble on our side." Said he, "What about these armed men?" They had a report out there were some armed men coming. Said I, "Do not talk about that thing; I will bet you my life you will not find a pistol in the whole crowd."

Q. Among the republicans, you meant?—A. Among the republicans, and that was what induced me to go out to the crowd and meet them,

for fear some fellow might be foolish enough to bring his pistol. That brings us back to the wagon where I got up and introduced Lynch, and Mr. Truly got up and made his remarks.

Q. What did he say?—A. As well as I can remember, he said that he was there for the purpose of seeing that the truth was told and nothing but the truth; and that the moment one iota or one single word was uttered that was not true, right then and there, said he, the debate stops. With that the democrats set up a yell and hurrah for Truly.

Q. The armed democrats?—A. The armed men set up a yell and hurrah for Truly.

Q. Had they come up in the mean time?—A. They had come up in the mean time and worked in and got in the crowd.

Q. How many of them were there?—A. Some remained off twenty or thirty yards. One hundred, perhaps, gathered around the stand. They asked me to let them get in to hear Lynch; said they wanted to hear him. I made the colored men give way so that they could hear him.

Q. On their horses?—A. Some dismounted and some staid on their horses. They got up within 10 feet of the stand and formed a procession in front; that is a little line, you know. I then commenced my remarks again, and ordered the colored people to keep quiet, and requested the white people, and asked them, begged them, to let us have peace and quiet; told them we had had no meeting, we had done nothing; we had been lying perfectly loose and idle, but that I was unwilling that our candidate for Congress should go away from Jefferson County and say the people were such heathens and so barbarous, so cruel and wicked that they would not allow a republican to come there and have free speech; that I wanted to have one meeting, just one peaceable meeting, and I appealed to the white people and begged them. They said they had no objection to him speaking, wanted him to speak. "Go on and make your speech, Lynch; go on and speak; we want to hear you; that is what we are here for." I sat down. Mr. Lynch got up. Pretty soon somebody in the crowd, a man by the name of Stewart, commenced giving the damned lie. Said he, "You tell a damned lie on General Chalmers." That was when he said that General Chalmers was at Fort Pillow. He gave him the damned lie as fast as he could.

Q. Was Stewart a white democrat?—A. A white democrat.

Q. Was he near the stand?—A. Within 10 feet of it.

Q. Was he armed, do you know?—A. Yes, sir; he was armed. There was a lot of young men standing around him also armed, and when he gave the damned lie they would begin to hoot and yell and holler. They kept it up with such rapidity that you could scarcely hear Lynch talk.

Q. How soon was this after Lynch began?—A. Immediately after he commenced—right at the start.

Q. Had he mentioned General Chalmers's name?—A. No; he had not mentioned it, but I did. I got up when they accused him of telling a damned lie on Chalmers, and I told them that Mr. Lynch went by the congressional records. "I can show you," said I, "the statement Lynch made about Chalmers in print; that is all we go by, the record." He commenced giving the damned lie. By this time Judge Shackleford got up on the stand to beg them to let Mr. Lynch go on and make his speech. Said he, "I want this gentleman to go on and make his speech, because this is the first opportunity we have ever had to get at the colored people at all, the first time we have ever had them all together. Now," said he, "I beg you for Shackleford, just to satisfy Shackleford, that you allow this gentleman to go on and make his speech, and say whatever he wants to say."

Q. Shackleford was a leading democrat?—A. Yes, sir. Said he, "It is the last opportunity we shall have to address the colored people." They paid no attention to it, but kept giving the damned lie, even when he was talking, and kept yelling. I appealed to the sheriff who was sitting in the wagon; said I, "Mr. McCormack, if I was sheriff of the county I would not have this state of things here; I have been sheriff of this county, and I never allowed anything of this kind to happen." Said I, "You promised you were going to keep the peace here." Said he, "My God, I can't do anything with them; you see the disposition of them; they are a lot of half fools and crazy like; how they are going on; they won't pay attention to me." He spoke out once, twice, "Gentlemen, I want you to keep order," but in a very mild tone, and they paid no attention to him. So finally Mr. Thompson down there came to me and wanted to make a proposition of this kind, that if the democrats would allow Mr. Lynch to speak, would I make a pledge that I would keep all the republicans there, and not allow any of them to go away until Shackleford had done speaking. Said I, "No, sir; this is our meeting, and I don't make any such arrangement. Moreover," said I, "that same proposition has been made by Judge Shackleford himself, and your own party has refused to acquiesce in your proposition; I don't go into such a trap; there is a trap in it, and I am not going in it."

Q. What did Truly say about that?—A. Truly got up then and said that he did not understand that there was to be a joint discussion. Said he, "Gentlemen, if this is to be a joint discussion, by the Eternal I want you to understand this is not my crowd and not my place; no place for Truly."

Q. Was he cheered?—A. Cheered lustily.

Q. By the democrats?—A. By the democrats.

Q. Was Shackleford cheered?—A. No, sir; he was not. Neither Shackleford nor Thompson was cheered. Thompson wanted to renew the proposition that was made by Shackleford.

Q. What took place next?—A. Lynch got up then, and commenced talking again, and after three or four efforts to address the crowd, finally, finding that it was perfectly useless, I told him it was no use.

Q. What did they do when he commenced to speak?—A. Every time he began they commenced hooting and hallooing.

Q. The white democrats?—A. The white democrats. Lynch got up then, and asked them to let him say one word. I told him to sit still and let me talk, for whenever I talked they would listen to me. There was no noise when I talked. I got up and said: "I don't want any congressional committees to come down to investigate the affairs of Jefferson County; I want no committees here; I want a good report to go out from Jefferson County, to show that the white people and colored people here can get along and manage political affairs without any committees from Congress." That was the strain I talked in; I could not give you the exact words. They told me it was all right; let Mr. Lynch get up and speak. Mr. Lynch commenced again, and it was a repetition of the same old trouble, hooting, hallooing, and yelling. So I got angry myself, and the colored men were getting very restless; getting very excited, and commenced quarreling with me for allowing these white men to come up to the wagon with my friends when we had had them all shut out once. I finally said to those who were standing close by, "Go out in the crowd, and I will make a motion to adjourn the meeting." I did so, and I hallooed out, "The meeting is adjourned." The colored men then set up a cheer and hurrah. The colored men started off; the women and children all started off. We had been dis-

appointed in getting our grand procession together as we wanted. The democrats retired to their original stand that they had tendered me a few days before, and there they organized a meeting and commenced speaking. Some of the colored men asked me might they go there. Said I, "Yes, all of you go, if you want to." The majority of the republicans, the colored people, said they would not go. I knocked about the street a few moments, and finally I thought I would play a little sharp trick on the democrats. I goes to Lynch and makes a proposition, that if he would get into a buggy with me, and go down eight miles from town, to where the railroad crosses the main Natchez road, he would have a fine meeting, take the crowd down there and fall back eight miles. The democrats had got busy. Said I, "They are all engaged now, and we will steal off from them; if they find it out afterward, I don't care a cent."

Q. What did Lynch say?—A. Lynch was afraid of it. Was afraid they might come down there and catch us and bushwack us, or something. After a good deal of persuasion he came to me and said he could not go; he did not like that plan; was afraid it might bring trouble. By george, I thought I would go on and carry that programme through. I rode on my horse and told the colored men who were still around the street to get their neighbors together and fall back to the creek eight miles and wait there for me and Lynch. They fell back to the creek. About the time I thought they had reached there, I rode down and found about four or five hundred men, women, and children there. I rode off, and they commenced hallooing and shouting, "Where is Lynch? Where is Lynch? Where is Lynch?" I told them he was coming. I got them up to the railroad stand at the depot, and got out on a wagon there and harangued them until the cars got in sight. Pretty soon the cars came in sight, and they commenced yelling and shouting for Lynch. The cars stopped; Lynch stepped out and gave them about a five or ten minutes' talk; perhaps not so long as that. Pretty soon the cars rang the bell and he had to leave. The men caught him up in their arms and took him into the cars.

Q. His friends?—A. His friends. We mounted our horses and went off cheering and hurrahing with colors flying for Hayes and Wheeler and Lynch. We were all shouting, with our flags flying and drums beating, for about two miles, and then commenced scattering. We thought we had won a big victory; we had beat the democrats at last. We had had our meeting. Very suddenly we met up with about two hundred or three hundred of these armed democrats in a little narrow lane, and there a hand-to-hand fight ensued. There were some eight or ten men riding in advance of me. They were strung all along the road, I reckon, for about a mile or two.

Q. The colored men?—A. The colored people were scattered all along

Q. Going along peaceably?—A. Peaceably. Their meeting had broken up, and they were going to their homes.

Q. Whom did you meet?—A. We met this armed body of men.

Q. About how many?—A. I could not see to the end of the procession; but I saw at least forty or fifty of them. The road was crooked; there was an angle in the road. I rode up on a little rise to see how many there were. I got on a little hill and discovered some white men that were meeting the colored men, and it appeared to me they had clinched. I saw two white men and only one colored man clinched. They were all on their horses. I saw another colored man right in the crowd, and some white men were striking at him, and he was striking them back with a sugar-cane stick. I stopped and looked at them for

a moment. I had passed four democrats about a mile before I met the crowd. I knew them very well, and they were good friends of mine. I turned back to appeal to those men to come up and stop them and to get the democrats to let our men go through peaceably. When I turned back I did not ride over a hundred yards before I met Mr. Briscoe and Mr. Coffee. These were the names of the men I had met before. I told them, "Your men are fighting the republicans; knocking them and cuffing them about," and that it was not right; that our men had not done anything, and they ought not to treat them in that way; and I wished they would go up there and put a stop to it and let our men pass without being molested. They said, certainly they would do so, and that it was wrong and should be stopped. They galloped up to them. I did not go back to see what was done; but I knew how our crowd were scattered along, the men, women, and children coming back. I wheeled my horse around to go on, when Captain Johnson, a wealthy planter, rode up to me and wanted to know if I was going to act as deputy United States marshal or not. I had been running around the town with these colored men trying to get them a place to locate our meeting. I did not understand his question at first. He asked me two or three times before I could get the gist of what he meant and could know what he was driving at. Finally he remarked to me that it was no use for me to attempt to act in any official capacity. He commenced talking further in that strain; but I told him I had no time for him, and rode off and left him. He rode back to the crowd.

Q. Had you been threatened by other parties at or about that time in reference to your duties as deputy United States marshal?—A. I had not been threatened, but several parties had been to me and advised me not to accept, before I qualified as deputy United States marshal. I told several citizens that I had received a commission as deputy United States marshal.

Q. Why did they advise you not to accept?—A. They said it would get me into trouble; and some of them told me if I accepted it I could not live in Jefferson County any more. That is just what they told me; but I told them it was merely a bluff in order to carry the election.

Q. How far did this difficulty extend with these armed men at that time?—A. It ceased right there. On Monday I went to see a man. Somebody came into town and reported he was half dead and could not get home. I galloped back on Monday to his house to find out whether it was true. I found it was not true. He told me, however, that he believed they would have shot him (and that a man drew a pistol on him) had it not been for Mr. Wade Harrison. He said that Mr. Wade Harrison stopped them and would not let them hurt him.

Q. What else do you know about intimidation by the democrats during the campaign of 1876, if anything, in addition to what you have stated?—A. I do not know of anything more than what I have told you about the general parading there—patrolling and riding around, and the general talk over the county.

Q. How many armed men were there, if you know, in these several organized bands in Jefferson County during the campaign?—A. I believe nearly every man in the county, excepting a few old men, and a good many old men were in them.

Q. You mean democrats?—A. Yes.

Mr. KERNAN. The witness stated all he knows, and now he is stating that he believes every man in the county, pretty much, was armed.

The WITNESS. Not every man.

Mr. KERNAN. Pretty much, except the aged.

The WITNESS. I said except a few old retired citizens, and some of them were armed.

Q. (By Mr. MITCHELL.) When you say every man, you mean the democrats?—A. I am talking about the democrats.

Mr. KERNAN. I object to the witness stating what he believes about it. I do not think it is evidence, and that would make this investigation an endless thing.

Q. (By Mr. MITCHELL.) What, if anything, have you to say about being driven out of the county?—A. Yes, sir; I was. On the week prior to the election I concluded I would go up to qualify as United States marshal. I had talked with several of the old citizens there about the matter. We were all friendly. I asked them what they thought about it. Mr. Eastman, a very wealthy planter there in the county, and a very large merchant, and the president of the board of supervisors, told me he was glad of it; that he thought I was the very man who ought to have it.

Q. This was after the election?—A. Prior to the election about a week. He said he thought I was the man who ought to have it. He asked me to let him see the commission. I gave it to him, and he kept it at his store nearly all day. In the evening I went down to his store and asked him for it. He had taken it out of the store into the back yard. He advised me to send it back to Jackson and not accept it. He said he had been talking to my friends about it, and they thought I would get into trouble.

Q. Republican or democratic friends?—A. Mr. Eastman is a democrat. I replied that I did not know how it would get me into trouble. Said I, "I have been sheriff here for nearly five years, and I cannot see any necessity of making any trouble about it." "Well," he says, "that is what they tell me, and I am afraid they might get you into trouble, so I advise you to send the commission back and have no fuss about it; but," says he, "however, you do as you please." That same afternoon I was on the street, and Mr. Darden, a member of the democratic club, called me across the street, and went back into the store, and he said he wanted to have a private talk with me. We talked nearly an hour on the subject. He did not want me to accept it, but told me if I did it would get me into trouble and I could not live in the county. He told me that the white people were determined in that county to carry the election at all hazards, and they were determined that the republican party should rule no longer. Says he, "I am a friend of you, and if you accept this thing it is going to get you into trouble. We do not want to hurt you. Your family is here, and you are settled here among us."

Q. What did he tell you to do with your commission?—A. He advised me to return it. I told him in reply, "I have been appointed by the United States Government as deputy United States marshal, and I know no reason why I should not accept." He seemed to be inclined to the opinion that if I did accept it would tend to bring me into trouble. We talked the matter over a long time. He told me that what he said was strictly private. I told him I regarded it as such. He told me I had better do as he advised me and send my commission back to Jackson. Says he, "If you accept it, the whole county will turn against you; and now you are here living with us in quiet and peace, and you had better remain so." I told him that my object in taking it was that you democrats all say there is going to be a collision, a war of races, and says I, "I want to put myself in an attitude so that if there comes a collision, I can assist in restoring peace and order." Says he, "You cannot do anything here at all as United States marshal, and you had better send your

commission back." I took the papers home with me that night and studied over it, and the next morning I went before the commissioner and qualified as United States marshal. Some of them met me on the street the next morning and asked me about it. I told them I had qualified. They told me they were very sorry to hear it; that it was going to get me into trouble. Said I, "I know what my duties are and I am not going to overstep my duties; I do not see any necessity of talking about trouble here; there is no cause for it;" but they insisted that it was bound to get me into trouble, and that if I undertook to act I would have to leave the county. On the week just before the election I commenced stirring about getting our tickets ready. We had not been able to do any canvassing. I went to Natchez and had tickets printed for Franklin and Jefferson Counties. I came back and went down to Franklin County and got the tickets distributed among the republicans. Jefferson always had taken care of Franklin County, which was close by. I got back home on Saturday morning, of the 4th of November. I had been riding around a good deal that week and was tired. Saturday morning I got together a lot of what we call there our central committee, that is, the men living in the several districts in the county, to distribute the tickets to certain men so that they could carry them into the districts and on the day of the election give them to the voters, you understand. We went up to the schoolhouse, about six or eight yards from the main part of the town, a kind of retired place. We had the men there from different parts of the county, and we gave out our tickets in little packages. I instructed the men to go off quietly and not let their wives even know that they had the tickets, and to say nothing about the tickets until the morning of the election; and I then advised them to go right to the polls—we had been in the habit of giving the tickets out on the public roads away from the polls—but I advised them to go right to the polls, and give the tickets out right around the polls, and advised them not to have any fuss with any person; but if they wanted to vote the democratic ticket to let them do it, and if any friends wanted to vote the ticket let them vote it, but to keep quiet, and I was satisfied we would carry the county by an overwhelming republican majority. Just as we adjourned a man came running to me and said that some Yankee soldiers were down town and wanted to see me. I walked on and got to the far end of the town, where I stopped, and I saw a wagon and a crowd of people gathered there; I found there a detachment, I reckon, of about twelve soldiers.

Q. United States soldiers?—A. Yes, sir; they pulled out a letter and handed it to me. Mr. Truly introduced to me the sergeant commanding the troops, and he told me that he had a letter for me. He pulled out a little note and handed it to me, from Captain Chauncey. I think his name is, in Port Gibson, Claiborne County, Mississippi. The only thing he said in the note was that a detachment of troops had arrived here for your town.

Q. Was this Chauncey or De Courcy?—A. Chauncey; De Courcy had left.

Q. Captain, was he?—A. I think he called himself captain.

By Mr. KERNAN:

Q. Captain what?—A. Chauncey, I think; I do not remember his name.

By Mr. MITCHELL:

Q. Chance, is it?—A. It may be Chance; I believe that is it.

Q. Was this a note from Chance?—A. A note from Chance.

Q. Who was Chance?—A. I think he had charge of what troops were at Port Gibson, in Claiborne County.

Q. A republican?—A. I do not know whether he was a republican or not; I never saw him in my life.

Q. What was the note?—A. The note only read this way: "A detachment of twelve troops leave here for your town. You will please look out and get them good quarters. I would prefer that you would get them a house if you can." That was all that was in it. I read the note, and Mr. Truly came up and said that the troops were sent there to be used as a posse for the sheriff, by the sheriff. I just laughed at the idea and went off. Mr. Truly told me also, "We have already got quarters for them." That was done before I got there. They were already quartered. The sergeant turned to me and asked me if I had a place where they could put their mules. I told him yes, and furnished them a stable to put their mules in.

Q. What, if anything, about your being driven out of the county?—A. I am getting to that now.

Q. Do not go into particulars too much; it takes too much time; come right down to the leading points.—A. Then this sergeant came to me and asked me if I apprehended any danger in the county. I told him none in the world. There was a good deal of speculation on the street as to who these soldiers were sent there to serve under, the United States marshal or the sheriff. To set myself right, as several persons had been to me and told me what they had heard on the streets, and some of the democrats had told me themselves that those troops were sent for the sheriff, and I did not want to give them any orders unless I had a right to do so, I telegraphed to Marshal Lake informing him that the troops had arrived in Fayette, and inquiring of him what they were for, and telling him that all was quiet.

Q. He was the marshal of the district?—A. The marshal of the district. I went home and went to sleep, and was as sound asleep as ever in my life. I think it was about eleven or twelve o'clock at night when somebody rapped at the door rapidly and wanted me to go out. I jumped out and threw the door open.

Q. How long was this before the election?—A. The night of the 4th, before the election. I threw the door open and told the gentleman to walk in. He says, "No, put on your clothes and come out." I said, "There is nobody here but me; come in; my family is in the next room." Mr. Truly was in advance. Said he, "Do you know there has been a big riot out east?" I did not believe him. I told him I had heard nothing of it.

Q. Who was with Truly that night?—A. Mr. McClure, a republican, the chairman of our executive committee. I said I knew nothing of it. Truly sat down and commenced telling me: "Henry Darden, the poor fellow, is shot and killed, and Walker Harper is shot all to pieces, and we have come over to warn you to get out of the way, because there will be hell to play in the county. There is going to be the terriblest time that ever was here in the county, and you must get out of the way, or else take a letter from me, and go out and give yourself up to those men, and I cannot promise you that my letter will do you any good."

Q. What men did he refer to?—A. The democrats in the east.

Q. When he said the east, what did he mean?—A. I will tell you directly. He said, "Give yourself up;" and said I, "Where are these men?" He said, "Out here on the Hugh Montgomery plantation. They went out there to a negro church, and tried to surround the church, to get the men that they thought had shot a colored democrat that morn-

ing." They supposed they had shot him; they did not know, but just supposed, and went out hunting for him. Mr. Truly said, "They heard the singing, and rode up to the church, and in trying to surround the church the negroes got frightened and broke out, and commenced firing, as they broke out, and they have shot Darden. They killed him."

Q. Who was Darden?—A. He belonged to the democratic club. And said he, "Harper is shot all to pieces."

Q. Who was Harper?—A. The son of a wealthy planter out there, and also a member of the club. And, said he, "Some of the damned fools will think that you advised that conspiracy. I know damned well you had nothing to do with it, but everybody will not think as I do, and my advice is that you will either go out there and render all the assistance you can in trying to find out who did fire on Captain Darden's men, or else leave the county;" and said he, "Do not get so far but I can reach you with a letter, because I do not know what changes matters may take." I protested against going. Presently, Mr. McClure, a democrat, came, and he said, "What in the name of God are you doing here?" Said he, "I thought you had gone." Said I, "Gone where? I am not going anywhere." He insisted that I should go, and he told me I must go.

Q. Did he come before Mr. Truly left?—A. After Mr. Truly left.

Q. How long after?—A. Ten or fifteen minutes after.

Q. You had not retired?—A. I had not retired. I had not even dressed myself.

Q. Did any one come with McClure?—A. He came with his brother.

Q. There are two McClures; one a democrat, and one a republican?—A. Yes, sir.

Q. The republican came first with Truly, and he left, and after he left the democratic McClure came?—A. That is right.

Q. Did he come alone?—A. I think his brother came with him. James McClure, the democrat, came in the house.

Q. They were brothers?—A. They were brothers. Henry McClure is the republican.

Q. What did the democratic McClure say to you?—A. He told me the best thing I could do was to leave.

Q. To leave the county?—A. To leave the county—yes. He said things were terrible; that he knew I had nothing to do with it; that he knew I was innocent of knowing anything at all about the conspiracy out there. I told him I had advised the colored men against resorting to arms, or resorting to any hostility whatever. He said he knew that, and he seemed to be a good deal distressed about it; but he thought my only safety was to leave.

Q. What do you mean by conspiracy?—A. Conspiracy in firing on those white men right in the night. I studied the matter over. My family got up and commenced crying around me. I got my horse and left.

Q. What time in the night was that?—A. I reckon it was about twelve o'clock.

Q. What family have you?—A. A wife and seven children. I went down to the river and staid all night. On Monday I started back to town.

By Mr. KERNAN:

Q. This was on Saturday?—A. It was Sunday morning when I got down to my stopping-place. I went to a friend's house who lived about twenty miles from there.

Q. About twenty miles from Fayette?—A. Yes, sir.

Q. And returned when?—A. I started back on Monday and met Captain Hunt, our school superintendent, on the road. He advised me to wait until he could send into town and find out what the trouble was there. He said he had heard a good many rumors, and did not know what was true and what was not.

By Mr. MITCHELL:

Q. You were then deputy United States marshal?—A. Yes, sir.

Q. You had filed your bond and accepted the commission?—A. I had no bond to give. I had accepted the commission and taken the oath. I stopped at Mr. Hunt's plantation. He sent a man into town on horseback to find out what was the trouble. Mr. Hunt lives about nine miles from town. The man did not return as early as we thought he ought to return, but while we were there three colored men came riding by from town; they had gone there to register under a misapprehension. The old law was that you could register the day before the election. These men had been over in Louisiana picking cotton and they failed to register while the polls were open.

Q. They thought they could register then?—A. They thought they could register then. They came back from town under whip and seemed to be very much frightened. They told us the town was full of armed men and that they were burying Darden, and that the men were loud and boisterous, cursing and damning as they were following the corpse to the grave; and that they were armed, and that they had squads of men out hunting for me and McClure. McClure had in the mean time left. He left on Sunday morning. I thought I would go over in Louisiana.

Q. You went out of the State?—A. Yes; I left the State. I went across that night and got a boat the next morning and went on down to New Orleans, and I have been in New Orleans ever since until I came here.

Q. What night did you leave home—the night of the fourth?—A. The night of the fourth.

Q. Of November?—A. Of November.

Q. That night you left?—A. That night I left.

Q. You went twenty miles that night?—A. I went that night right to Mr. Collyer's.

Q. Did you return to Fayette?—A. Not nearer than nine miles.

Q. Where were you on the day of the election?—A. I was in Louisiana, in the town of Idalia, opposite Natchez.

Q. And you have never returned?—A. I have never been in Jefferson County since.

Q. Have you seen your family?—A. No, sir.

Q. You have never seen your family since that night?—A. Yes, sir.

Q. Where are they?—A. They are at home. I sent for my daughter before I started up here and left her at New Orleans. I have a daughter grown. I wrote her to come down and see me, that I could not get any direct news from home. She came to New Orleans to see me, and she had only been in New Orleans a few days when I got the summons to come here.

Q. She is a young lady?—A. Yes, sir.

Q. Are you a property-holder in Mississippi?—A. I have a small house and lot there.

Q. You have it yet?—A. Yes, sir.

Q. What do you know, if anything, in reference to the killing of some

twenty-five men or twenty-seven men in that county?—A. I do not know anything of my own personal knowledge; I never saw anything of it. I was not in the county, and, of course, I do not know, but I have heard from different persons——

Mr. KERNAN. I desire to object to what the witness heard. I suppose you have some witness to bring here who really saw it.

Mr. TELLER. I do not know that we have a witness here. If this story is true I propose to follow it up. I will join with you or anybody else in getting all the evidence necessary either to prove it or disprove it.

Mr. MITCHELL. We shall endeavor to get at the bottom facts.

Mr. TELLER. Of course it is not as good evidence as that of eye-witnesses; but it seems to me that common rumor and common report may be received.

Q. (By Mr. MITCHELL.) My question is, what do you know, of your own knowledge or by common rumor and notoriety, in reference to the killing of some twenty five or twenty-seven men in Jefferson County, Mississippi, shortly prior to the election in 1876?

Mr. KERNAN. Let him indicate first what he knows in reference to it.

The WITNESS. Of my own knowledge I do not know even that Mr. Darden was killed. I left the county immediately upon learning the news, under the advice of my friends. As soon as I received the intelligence I left the county, and I have not been in it since. They advised me to leave, and they told me that Mr. Darden, a respectable and prominent citizen there, had been killed by the colored men at the church.

Mr. MITCHELL. Now answer the rest of the question.

Mr. TELLER. Go on and state what you heard.

The WITNESS. I heard from both parties that it was so; that he was killed.

By Mr. TELLER:

Q. State what you heard of the other man.—A. Mind you, I do not know a thing about that. I have not even seen a man who was at the killing, but I received information in Louisiana while I was there, from the crews traveling up and down the river on steamboats, because I go down to the boats sometimes when they come in, to hear what is going on and see if there is anybody on board from my section of the country, so that I may hear from my family. I have had one man who wrote me a note, and he said he was among the crowd that was at the killing. He so stated. Whether that is true or not, I do not know, but I have his statement for it. He wrote me that he and his father were both taken out to be killed, and I think his language is that his mother was taken, and when they commenced firing after they had marched out to where they intended to kill them, they broke and ran.

By Mr. MITCHELL:

Q. What are the facts, as you learned them, of the trial of these men and shooting them?—A. I understood they had been taken out and tried by the democratic clubs, that the clubs constituted themselves into a regular court; that the presidents of the clubs acted as judges, and any member of the clubs was permitted to get up and prosecute them.

Q. How many do you understand were tried?—A. I never heard any definite number. I just heard that that was the way it was done.

Q. What was done after that?—A. I heard that several of them were taken out and shot, and some of them taken out and hung.

Q. But the number you did not hear?—A. The number I heard was

in the neighborhood of twenty-five or thirty. I saw it printed in the Fayette paper, the democratic paper.

Q. Describe the manner in which you understand they were shot.—A. I am coming to that now. I did have the Fayette paper in my pocket, but I gave it away.

Q. A democratic paper?—A. A democratic paper. It said that there were so many negroes captured. It did not state the number. It stated that a number of negroes were captured, or a lot of negroes were captured and put under guard, and started to town to be sent to jail; but they broke and endeavored to make their escape, but were unsuccessful. It did not state whether they were shot or captured.

Q. That was the democratic account of it?—A. That was the democratic account. I saw, also, in the Natchez Democrat, that ten men had been killed. I saw in some other paper that eleven men had been killed.

Q. How far was this point from Fayette?—A. Between eight and nine miles, it may be ten miles out east of Fayette.

Q. Do you know anything about one of the number who was wounded and afterwards killed at his house?—A. I heard of one man only.

Q. Who was he?—A. I heard of one man being shot, and he was supposed to be dead; but he crawled to his house, and afterwards they found out he was there, and he was taken out and shot. I do not know whether there is any truth in it or not, but I heard it.

Q. You had no business in New Orleans?—A. No, sir.

Q. What was the sole reason of your leaving the State of Mississippi three or four days before the election, and the reason you have not returned?—A. When I first left there I was under the impression that it was merely a scare to get me away; that is, when I left home on Saturday night, and I intended to return on Monday, to be on hand on Tuesday, to do my duty at the polls; but after hearing of these threatening demonstrations, and hearing that the democrats had issued a warrant for my arrest, when I knew they had no right to do it, and under the advice of other friends, and under the present excitement, and knowing the animus of the people, I knew it would not be any use for me to go there; and for my own life, and my own personal safety, I left and went to New Orleans.

By Mr. TELLER:

Q. Have you staid away for the same reason?—A. Yes, sir; I have staid away for the same reason.

By Mr. MITCHELL:

Q. Do you consider it safe to return even now?—A. I do not.

Q. You have not had personal difficulties aside from this political feeling?—A. None.

Q. Not with any person else?—A. No, sir; I never had a difficulty with a white man in Jefferson County in my life.

Q. You have been a peaceable, quiet man?—A. I was always a peaceable man. When the white people would have any difficulty with the laborers on their plantations, or even with their house-servants, they would generally send for me to settle their troubles.

Q. Do you know anything about the hanging of Ross?—A. Dave Ross?

Q. I do not know his first name.—A. Yes; I do not know it, but it is said he was hung, and is still hanging to a tree.

Q. Who was he?—A. A republican; a man I had given republican

tickets to on the morning of the 4th to take to the precinct over in Franklin County. When I went to Franklin County, I sent men to all the precincts except Hamburgh, which was near Fayette. I told the republicans in Franklin County that I would send a man from Fayette to distribute the republican tickets at Hamburgh, which is near Fayette. The day we had our meeting of the central committee, the day we were giving out our tickets, I stepped out and said I wanted a man to go to Hamburgh, and Dave Ross volunteered his services. He stepped up and said he would go, because he lived near Hamburgh. He promised me to go right off that morning, and not to stop at home, because there had been no electioneering there, and the people hardly knew who the presidential candidates were. I have never seen Dave Ross since.

Q. The general understanding is that he was hung?—A. That is what I learn from good authority. I heard it from the editor of the New South here. He told me about it. I heard it also in New Orleans.

Q. About when is it alleged that this hanging took place?—A. I did not learn the day, but I think it has been the third week since I heard it.

By Mr. TELLER:

Q. The third week since he was hung?—A. No, I do not know. I heard he was arrested by an officer in Natchez without any warrant or any authority of law, and turned over to some democrats in Jefferson County.

By Mr. MITCHELL:

Q. What do you know, if anything, about the whipping of republicans by democrats?—A. I did not see it. I heard of one man being whipped in a livery-stable one day near my house, and being beaten very badly.

Q. At Fayette?—A. At Fayette. I did not see it.

Q. For what purpose was he whipped?—A. I did not even learn what the trouble was. It was just about the special election for sheriff. We had a special election for sheriff.

Q. Do you know who whipped him?—A. A man by the name of Thompson, Captain Thompson.

Q. A democrat?—A. I cannot say that he was a democrat. He says he does not belong to any political party, but he affiliates with the democratic party.

Q. You say you had a special election for sheriff?—A. Yes, sir.

Q. When was that?—A. The election was held I think on the 23d of August.

Q. State anything you know about the manner of conducting that campaign by the democrats.—A. It was a very short and excited campaign while it lasted; it was very hot.

Q. Was there any violence and intimidation?—A. Nothing more than riding around, patrolling.

Q. This same thing that you have described?—A. The same thing I have mentioned, and it is not necessary to go over that again; it would be just that same old harangue.

Q. Was this Mr. Ross you have spoken of one of the men who escaped at this massacre at the church?—A. Yes, sir; he escaped that night. He lived in the neighborhood where the shooting took place. He did not live more than half a mile from where the white man was killed.

By Mr. TELLER:

Q. From the church?—A. From the church.

By Mr. MITCHELL:

Q. What kind of a man was Mr. Ross?—A. I have known him since

he was a boy. He was always regarded as a peaceable, quiet man. I never knew him to have a difficulty in my life; but he was a strong republican.

By Mr. KERNAN:

Q. Was Mr. Ross one of those claimed to have been in some way connected with the affair at the church?—A. I believe he was. I think the democrats claimed he was at the church, but I do not know really whether he was or not.

Q. When young Darden was killed?—A. Yes, sir.

Q. A word about that.—A. The killing of Darden?

Q. Yes. You do not of your own knowledge know anything about it?—A. No; I do not even know that Darden was killed.

Q. But what you did hear was that some colored man had in some way or other killed some colored democrat?—A. No; he did not kill him; he shot him, but did not kill him.

Q. You heard that some colored man, a republican, I suppose, shot a colored democrat?—A. Yes; though I did not know who shot him. He was a man who had a good deal of trouble there. He joined the democratic club. The people in his neighborhood and himself were getting along very badly. He was always in a lawsuit in the court-house there.

Q. You heard that a colored man had shot this democratic colored man?—A. I do not know who shot him. I do not know whether a republican or a democrat shot him; I do not know whether a white or black man shot him.

Q. But that was the claim?—A. That was the claim.

Q. And this company was out looking for the man that they claimed had shot the colored democrat?—A. Yes, sir; I will state that when they started out——

Q. No matter; wait. They came to this church in the evening?—A. In the night.

Q. They were having service there?—A. They were having service.

Q. Religious or political?—A. Religious service.

Q. And they were looking for some one in reference to the killing of the other colored man?—A. Exactly. Not the killing, however. He was shot with bird-shot. The man is well.

Q. Then the people from the church came out and fired upon them, and Darden was killed and Harper wounded?—A. That is what I heard.

Q. And that created great excitement?—A. It created great excitement. Now, if you will permit me, I will state a point I have forgotten relative to the shooting of this colored man. Saturday evening of the 4th, a little before dark, Mr. Darden and some eight or ten armed democrats passed my house. I was inside the yard coming out into the street. As he rode up I called Captain Darden. He halted his horse and the balance rode on. I told him to ride in the yard, that I wanted to talk to him. He came in. Said I, "Are you going to see if you can find out who shot Charley Chester?" He said, "No, he did not know where they were going;" and he said, "Why?" Said I, "If you are going out to try to find Charley Chester, I want to go along to help." I said, "This thing of firing on men promiscuously and bushwhacking must be broken up. I do not believe in such things as that, and something ought to be done about it." He said, "I do not know anything about it, and I do not know what is going to be done." Said I, "If you are going out for that purpose I want to go with you, and will do what

I can to help to find out who shot Charley Chester." Charley Chester was the colored democrat. When I offered him my services I was never more in earnest about a thing in my life. I had been watching all day expecting the sheriff or somebody to go out to see if they could find the man that shot him. When I was sheriff of the county I did not wait for anything; I did not wait for a warrant, but generally went right upon the ground as quick as I could get the news to find out about it, and make the arrest. Captain Darden turned his horse and rode off, saying that he did not know what they were going to do.

Q. Charley Chester was the colored democrat who had been shot by somebody?—A. Yes, sir.

Q. How long before the election?—A. He was shot early in the morning.

Q. On which day?—A. On the 4th day of November.

Q. On Saturday the 4th?—A. Yes, sir.

Q. And that same night was the occasion when first you heard the negroes fired on the men who came to the church?—A. Exactly.

Q. And that did cause a great deal of excitement and exasperation?—A. Exactly.

Q. And then they charged untruthfully that you had something to do with this?—A. No; I do not know that they charged it.

Q. You do not know that?—A. I do not know that they charged it. Those gentlemen came to advise me to get out of the way, and said it would be the impression, as I was the leading republican of the county, that I had planned or put those men up to that killing.

Q. And those men who came to your house, both the McClures, and the other gentleman, Mr. Truly, advised you, in consequence of this excitement, that you should go away?—A. Yes, sir.

Q. Truly, I think, in that conversation that you had, denied that you had done any such thing.—A. He said he did not believe I had. He said he knew better, because he found me at my house asleep.

Q. He was afraid under the excitement that you would not be protected?—A. He thought my friends could not protect me.

Q. You went away Saturday night, and Darden was buried on Monday?—A. So I learned.

Q. On Monday before the election?—A. Yes, sir.

Q. And this company or club of which he was a member attended the funeral?—A. They attended the funeral.

Q. You heard from one source that when these men broke away and were said to have been shot, they were taking them to jail?—A. Exactly.

Q. And that they broke, and were shot in that way?—A. No; I say I do not know that they were shot.

Q. That is what you heard?—A. No; that is not right.

Q. Get it right. What was it about? You said something about what you heard.—A. I saw an article in the papers that they had captured a lot of negroes, supposed to be engaged in the shooting at the church, and they were started off to town, and endeavored to make their escape, but generally they were unsuccessful. I saw that in the papers.

Q. You have stated, I think, in your examination all the occasions of violence that you remember in reference to the canvass of 1876?—A. Everything that I know.

Q. At this meeting in July or August, the first meeting where Senator Pease was, there was no actual violence, it was interruptions by hallooing and talking?—A. No; there was nothing more than there usually is at political meetings.

Q. On how many occasions in 1876 did you see yourself these armed men patrolling or parading?—A. I could not tell how many times, I saw them so often.

Q. They have generally guns, or are they armed with pistols?—A. Generally small-arms, side-arms, pistols.

Q. They wear them strapped?—A. They wear them with a belt. They walk the streets with them in their scabbards. They wear them every day, Sundays as well as Mondays.

Q. All the time?—A. Yes, sir.

Q. At the time of this large demonstration, when you intended to have your own pole-raising, was that the time when you held the meeting at the church?—A. Yes; that is the time we held a meeting at the church.

Q. On that occasion was there any violence exercised toward anybody beyond this interrupting, hooting?—A. None, only I have been told—well, I got it from a member of the club; I suppose I can give that as testimony.

Q. No, I will not ask you what anybody said. I want to get at what you saw yourself.—A. I did not see any violence.

By Mr. MITCHELL:

Q. Mr. Kernan asked you something about pole-raising. You said that a meeting was to be held at the church; is that correct?—A. They were to hold the meeting; Mr. Lynch was there; but they made so much racket that we could not hold any.

By Mr. KERNAN:

Q. You were going to have a big demonstration and raise a pole?—A. Yes, sir.

By Mr. MITCHELL:

Q. Are you referring to the 19th of August meeting?—A. The 28th of October, when Mr. Lynch was there.

By Mr. KERNAN:

Q. Was that the time you raised the pole?—A. That was the time we raised the pole, the same day Mr. Lynch got there.

Q. That is the time you meant to have this demonstration?—A. Yes, sir.

By Mr. MITCHELL:

Q. You did not raise the pole?—A. We raised the pole in the evening and put up the flag on Saturday morning.

By Mr. KERNAN:

Q. When these men came to you and said there was a great deal of excitement because it was claimed, the way you described, that there would be difficulty, you denied it?—A. Yes, I denied it.

Q. They claimed that there was to be a large demonstration, and that, the colored men coming in, there would be difficulty?—A. Yes, sir.

Q. That was the time when the democratic clubs did come in armed?—A. When they did come in.

Q. Did you hear how they happened to be armed at the church when they were at the church and fired upon these white men that came there?—A. I did not.

Q. But the claim was that they did fire?—A. The claim by the whites is that they fired, and I learned from some colored people that they fired. I presume that they did, and that the man did get killed. I

have heard different stories about it. Some of the colored people said that his own club fired at him; that in surrounding the house they met and fired into each other without knowing it.

By Mr. MITCHELL:

Q. That is one statement?—A. That is one statement.

By Mr. KERNAN:

Q. The statements are pretty conflicting, from what you state.—A. Very; but I do not know anything about any of it from my personal knowledge.

Q. What was the occasion when you charged through these men?—A. That was on the 19th of August. I was on my way home.

Q. That was on the occasion when they were going to have what done?—A. A grand mass-meeting.

Q. You did not hold that?—A. We did not hold it. We were going to raise our flag then, and failed to do it. We failed to hold the meeting.

Q. At what time were there statements to you by persons that there was uneasiness, that your people were going to be armed then?—A. Yes, sir; they came to me; Captain Whiting did and so did Mr. Truly; and they said they had positive information that the colored people were coming to town armed; and they stated further that they had understood the colored people were going to cut down the democratic flag-pole. I assured them, and tried to convince them, that there was nothing of the kind, that it was never thought of.

Q. They said the result would be that the democrats would come armed to the meeting?—A. They said the democrats would come armed to protect the flag.

Q. And then there would be a collision?—A. And then, both parties being armed, there would be a collision.

Q. He advised you not to do it?—A. I advised it not to be done. I thought it better to take time by the forelock and keep my men out.

Q. And you did stop it?—A. I did stop it.

Q. He said he believed that they were going armed?—A. He said that was the rumor. He said he did not believe it.

Q. And that the result would be that the democrats would go armed, and there would be a collision?—A. Yes. He told me that none of the leaders would be allowed to make any speeches that day; but he said any man off of the politicians might raise that flag pole, and might make as many speeches as they pleased, but that their leaders could not make any speeches.

Q. On this occasion of the 19th of August, did you see any armed democrats?—A. I was not in town on the 19th of August. I left that morning before daylight.

Q. I believe they got along without any actual violence then.—A. Except among themselves. They shot one of their own men. I know they had a little row among themselves. The colored men came in that day and registered pretty well.

Q. But they did not hold any meeting?—A. They did not hold any meeting.

Q. A good many colored men came in that day and registered?—A. A good many came in.

Q. So far as you know, was one of them molested?—A. None of them. I saw a good many of them that day, and they told me that none were molested. They said they found the roads picketed, and the only question asked was, what they were going into town for, and they said they were going in to register.

Q. And when they said they were going to town to register, what did they do?—A. They let them pass.

Q. They molested no one coming to register, and even the pickets made no objection, so far as you heard or knew, when they said they were coming to register?—A. No, sir.

Q. But I believe you said that there was the same rumor that the colored men were going to come armed in October?—A. In October they got up that same rumor. I met Mr. B. W. Stewart, a prominent democrat in the county, at Mr. Eastman's store. He asked me what all those negroes were doing in Franklin County. Franklin is the adjoining county to Jefferson. He said he heard that they were arming. I told him there was nothing of it. I said it was a lie, I did not care who said it.

Q. You did mean to have colored republicans come from other counties, but not armed?—A. Of course, unarmed. I was right from Franklin County the night before, and I knew the negroes were not armed there.

Q. He wanted to know what they were coming armed for?—A. Yes; I told him there was nothing of it.

Q. In point of fact, they did not intend to arm, but did intend to come?—A. They did not intend to come armed; but Mr. Stewart insisted that he had information that five hundred men were coming from Franklin County armed, and that they were going to have a war of races, and there would be a collision; and I told him there was nothing of it.

Q. That is the reason why he wanted no meeting?—A. That is the reason why he wanted no meeting.

Q. You knew Mr. Stewart?—A. I have known him ever since I was a child.

Q. What is his business there?—A. A planter.

Q. A respectable man?—A. Yes, sir.

Q. But he said his information was authentic, that 500 colored people were coming armed, and there would be a collision if they came?—A. That is what he said to me.

Q. And that was the reason why he wanted no meeting held?—A. Yes, sir; but I regarded it as an effort on the part of the democrats——

Mr. KERNAN. Never mind that.

The WITNESS. To prevent us from holding any meeting. I was satisfied all the time that they had not heard anything of the kind, because I challenged them and begged them to state any evidence they had; it was all a lie.

Mr. KERNAN. I do not want you to say that to me.

The WITNESS. I beg pardon; I thought you were a republican. You ought to be, if you are not.

Mr. KERNAN. I do not bother about that, but you observe what I want to get at. I am quite well satisfied, because you have stated some things that other gentlemen stated on hearsay very differently, and I think you have done it fairly; but I do not want you to answer about what you heard unless I ask you.

The WITNESS. Of course not.

Mr. KERNAN. I am not complaining of you; but I want to get at what you know.

The WITNESS. He said he did not know how true it was. Says he, "I do not know anything about it, but I have heard so. I was very familiar with Franklin. If you will allow me——

Mr. KERNAN. Very well; that is all I want. About how many colored men did come to town that day?

A. I reckon there were two thousand.

Q. How large a town is this town of Fayette? What is its population?—A. It has a population of about 300. It is a little village.

Q. That was a very large attendance of people?—A. Yes, sir.

Q. I believe you said that during the entire day there was no actual violence in the town?—A. I never saw any; but I heard——

Q. I do not want that. You did not see any violence?—A. I did not see any.

Q. The first there was anything like a riot was when you came to the head of the lane, I understood you to say, after you had held your meeting?—A. That was in the evening after the meeting.

Q. How far from you were the men who were clinched on horseback?—A. Not over 50 yards.

Q. How many democratic men did you see there?—A. I think about 50 right in front of me.

Q. On horseback?—A. On horseback.

Q. Were your people on horseback, too?—A. They were all on horseback and they met.

Q. How many clinched?—A. I saw two clinched, and I saw others in the middle of the procession trying to get through.

Q. And they were having this conflict there?—A. They were having this conflict.

Q. Did you go any nearer to them?—A. I rode as near as from here to the door.

Q. Did either of them pull the other off the horses?—A. No, I did not see that; I saw them clinching, and the men had their hats off.

Q. They were having a kind of a conflict?—A. A kind of a conflict.

Q. Did you see any men hurt?—A. I saw a man by the name of Turner. I heard he was killed, and as I told you I went to see him on Monday to get him a doctor if he needed it. I found him with some blood on his shirt and he was bruised up a little, and he remarked that Mr. Wade Harrison had saved his life.

Q. That is the only one you saw hurt?—A. That is the only one I saw of the crowd, but there was a general stampede. I heard a good deal of shouting, but did not see or did not hear of any one else who was hurt. I do not know where this shouting was, because I was not in sight.

Q. The sheriff said he had appointed seventy-five men to help keep the peace?—A. That is what he said to me.

Q. He was on the stand at your church?—A. He was there the entire time.

Q. But he said he could not control them?—A. He said he could not control them.

Q. He said they were foolish young men?—A. He said they were a foolish set of fellows, or something of that kind, and he could not control them.

Q. Do you remember what it was that Mr. Lynch said when this man Stewart said it was a damned lie?—A. Mr. Lynch?

Q. You said Mr. Lynch was interrupted?—A. He got up and said, my friends and fellow-citizens, and commenced congratulating the republican party, and remarked something like this, that he heard the republican party were disorganized, but I like this kind of disorganization, and went on complimenting the republicans about their grand turn-out, and they commenced interrupting him right away. They did not give him time to commence on his speech before they gave him the damned lie.

Q. Do you remember what it was they said?—A. They said damned lie; you tell a God damned lie on General Chalmers about being at Fort Pillow.

Q. Then it was that you interrupted them?—A. Then I interrupted them and remarked——.

Q. We have got that. Shackleford appealed to them to keep order?—A. Yes, sir. Captain Thompson came to me also, and said, try to get Mr. Lynch to speak.

Q. We have got all that. In point of fact, I think you said that these persons came to you and said there was danger, and that you had better leave?—A. Yes, sir.

Q. But in point of fact, no one did attack you, I understand?—A. They could not attack me without going into my house to do it. I was at home.

Q. But all through the fall in the county?—A. Through the county, no. I had no attack.

Q. You were about the county a great deal during the fall?—A. Infer what I understand by an attack. I mean a personal attack.

Q. I mean shooting at you or striking at you?—A. No, no; I had several arguments, you know.

Q. I mean anything like violence?—A. That is what I want to understand. That is right.

Q. You stated that these men said that they had issued a warrant for you?—A. I heard so.

Q. When was that?—A. I heard that was issued on Sunday.

Q. Sunday, the 5th?—A. Sunday, the 5th. They telegraphed to the sheriff of Adams County to arrest me and Ex-Senator McClure. Senator McClure was arrested.

Q. Did you learn what the warrant was issued against you for, on what pretended charge?—A. Merely suspicion. McClure was arrested, and afterwards the sheriff telegraphed to have him released, that he had no warrant in his hands for his arrest, and the arrest had been made merely upon the suggestion of others.

Q. Who did you hear issued the warrant against you?—A. I never could learn who issued either of them; but it was shown that it was done at the suggestion of the democratic club.

Q. Did these troops remain there during the election?—A. I do not know what became of the troops; I understood they went out on Sunday to where this shooting was going on.

Q. Which shooting?—A. Where these colored men were killed, at the church. I heard they went there, but I don't know. I saw an article in the democratic papers——

Q. Never mind that. As I understand you, one of the Mr. McClures was the chairman of your republican committee, and the other Mr. McClure was a democrat?—A. The other was a democrat.

Q. Henry was the democrat?—A. Henry was the republican, and James the democrat.

By Mr. MITCHELL:

Q. They are white men?—A. All white men.

By Mr. KERNAN:

Q. What do you say as to whether there was feeling more or less against colored men who joined the democratic club?—A. Among the colored people?

Q. Among the colored republicans?—A. In some few instances some

few would joke them about it and bull-rag them a little, using a vulgar expression.

By Mr. MICTHELL:

Q. They did not bull-doze them?—A. No, sir; as a general thing they did not care anything about it.

By Mr. KERNAN:

Q. Were there any colored people in these clubs?—A. Yes, sir; some. There was one colored man who went out with them that night of the shooting at the church.

Q. How many were there in these clubs?—A. Not more than forty or fifty in the whole county. The newspapers reported more; but I never could see more than three or four colored men when they were riding about to their meetings. On one occasion I think I saw fifteen or twenty.

Q. Do you know the colored man who went out with them to the church?—A. Yes.

Q. What was his name?—A. Joe Grant.

Q. He was a democrat, I suppose?—A. He always voted the republican ticket, and that was the first time I had known him to affiliate with the democrats.

Q. When was it that Ross left and said he would take the tickets to Franklin County?—A. I parted with Ross, I think, about twelve or one o'clock in the day.

Q. On what day?—A. On the morning of the fourth of November, Saturday, at the school-house.

Q. At the school-house in your village?—A. In my village. I advised him to go straight to Franklin.

Q. You did not see him afterwards?—A. I never have seen him since.

Q. You merely heard it was claimed that he had been at the school-house where Darden was killed?—A. Yes, sir; he lived in that neighborhood; his house was not far from the church where Darden was killed.

Q. You were appointed a deputy marshal about what time?—A. About the middle of October.

Q. And appointed by whom?—A. By Lake, the marshal of my district.

Q. Were you one of the permanent marshals or one of the marshals for the election?—A. For the election.

Q. Do they call them marshals?—A. Deputy marshals.

Q. You were appointed with a view to aid in supervising the election?—A. In supervising the election.

By Mr. MITCHELL:

Q. Has there been any real ground at any time in your county, either in the election of 1875 or 1876, to suspect or charge that the colored republicans were going to arm themselves and make any attack or disturbance upon the whites?—A. None in the world. That never came to my knowledge.

Q. Is it not generally true that such reports are gotten up by democrats?—A. That is the way I always regarded them. They told me they got them from colored people, but I never could find any one who told them so.

Q. If there had been any cause for suspecting that the colored people had any such intention whatever, it would likely have come to your knowledge?—A. I certainly would have known it.

Q. You were traveling about, going all over the country?—A. To all the precincts, and riding all the time.

Q. You were personally acquainted with the majority of the colored voters in the county?—A. With white and black.

Q. I understand you to say, then, that in both the elections of 1875 and 1876 the colored people of that county have been peaceable and orderly?—A. Peaceable and quiet. I said that in 1873——

Q. I did not ask anything about that.—A. You asked about the arming. In 1873 there was a General Harrison who moved over in my county. He came into town one day very excited and stated that the negroes were armed on his place.

By Mr. KERNAN:

Q. Who stated that?—A. Isaac Harrison.

Q. In what year?—A. In 1873; he seemed to be very much excited and frightened; I had passed through his plantation just before; he came to me and complained, and said that I must disperse those men; I just told him there was nothing of it; that I knew all about the neighborhood, and there was no trouble; he insisted there was; several gentlemen came to me and insisted that I must go out there.

By Mr. MITCHELL:

Q. Did you go?—A. I went out and I found but two men on the plantation. It was on Sunday morning, and everybody had gone to church.

Q. Were there any armed men there?—A. There were no armed men there; he said that 150 armed men were on the place.

Q. It was an entire mistake?—A. Of course it was.

Q. There was no truth in it?—A. No truth at all. I went and told him how he drew this inference that they were there. The young men of the republican club would get up an argument and have a kind of debate at the school-house. He heard the drums, and I suppose some one told him it was a march, or a muster, or something of that kind.

By Mr. KERNAN:

Q. You do not doubt that Mr. Harrison believed it when he came to you?—A. I do not know what he believed. That is what he said.

Q. Did he not seem to be in earnest?—A. I think it was all a political trick.

Q. Did you think Harrison was playing a trick? Did he not impress you that it was true?—A. No; I do not believe he thought it was true. I thought he was a man of too much sense to believe it.

Q. He wanted you to go down there?—A. He wanted me to go, and I went; but I never can believe that he thought they were there.

Q. You do not know that he did not?—A. I do not know what his thoughts were, but I believe that he knew better at the time, and always will believe it.

Q. I suppose the other side would say it was just as true the other way. Both parties claimed that the other was arming? Each made the charge?—A. Yes, sir.

Q. That was the general way?—A. That was the general way.

Q. When did you cease to be sheriff?—A. My office was declared vacant on the first Monday in August.

Q. August, 1876?—A. Yes, sir.

By Mr. MITCHELL:

Q. Did the democrats deny that they were arming?—A. They did deny it. I went to the editor of the democratic newspaper and published a call for a mass meeting to settle that question about the war of races they were contemplating.

Q. That was in 1873?—A. In 1873.

Q. I mean recently—in 1876. Did they deny it then?—A. O, no; they did not deny it; they bragged on it. It was a common thing for them to tell the colored men, "If you want to fight, we are ready for war. Get your men and come out and fight."

Q. Do you not know, of your own knowledge, that no armed organizations had existed either during the campaign of 1875 or 1876 among the colored people of your county?—A. I do not know of any armed organizations among the colored people in my county since I have been in the county.

Q. If there had been you would have known it?—A. Most assuredly I would have known it.

By Mr. KERNAN:

Q. If any people fired from the church and killed Darden, they must have had arms?—A. They could fire without being an armed organization.

Q. But they must have had arms?—A. I do not deny their having arms.

Q. Do not the colored people always have arms in Mississippi?—A. Certainly, they carry their guns to church sometimes. This was the second time the church there had been interrupted.

Q. Is it not true that the colored people pretty generally had arms?—A. They always had shot-guns, to kill birds and squirrels.

Q. Some of them had pistols?—A. Nearly all of them had guns, and when going to town they carried their guns, and would shoot game and sell it and get tobacco.

Q. Would they not go around the country with their arms?—A. I have not often met them with pistols.

Q. You think they had?—A. Very few of them were able to buy a good pistol.

Q. Some of them had guns?—A. Nearly all of them had guns—bird-guns.

Q. Would they take them to church with them?—A. They would take their guns to church, but I have gone to church in Fayette and scolded them for bringing their guns to church.

THOMAS RICHARDSON sworn and examined.

By Mr. MITCHELL:

Question. Where do you live?—Answer. Port Gibson, Miss.

Q. What is your age?—A. About thirty-two and a half, I suppose, or thirty-three.

Q. What is your profession?—A. I obtained license to practice law five or six years ago. At present I am postmaster there.

Q. At Port Gibson?—A. At Port Gibson.

Q. In what county?—A. Claiborne County.

Q. How long do you say you have lived there?—A. I have lived there thirty-two years.

Q. You were born there?—A. I was born there.

Q. Were you born a slave?—A. My father was a slave.

Q. When did you become a freeman?—A. He emancipated his family when I was six or eight years old, I guess.

Q. What business have you been in for the last three or four years; practicing law?—A. No; I have never practiced law; I merely obtained a license. I was appointed postmaster in 1870.

Q. You have been postmaster ever since?—A. No, sir; I resigned, and received the appointment of circuit clerk under Governor Ames's administration, and held the position until the defeat of the republican party in 1875, and was subsequently appointed postmaster.

By Mr. KERNAN:

Q. How many years have you been postmaster?—A. Four years and a half. From December, 1870. I resigned year before last.

By Mr. MITCHELL:

Q. State, in brief, the nature of the campaign in Claiborne County in 1875.—A. It is a very difficult matter for me to state it in brief. The campaign was inaugurated by the democrats under what is known as the white-line system.

Q. What was that?—A. An organization whose policy was not to permit colored men to hold office if they could possibly help it. They contended that colored men had no right to all these things, and that they must not hold office. The colored men were permitted to join their organization and vote with them; but it was contrary to their policy, in short, to let colored men or carpet-baggers hold office. Their policy was to defeat the colored men and carpet-baggers. That was the fight they made. That was their platform.

Q. By carpet-baggers you mean white citizens of the North who came there to live?—A. Yes, sir; men who came from the North to the South.

Q. State what occurred, if you know, at the election at Port Gibson in 1875?—A. I saw a crowd of colored men, republicans, fired into by a lot of armed white men, White-Liners.

Q. About how many armed White-Liners were there?—A. I cannot state exactly. I saw about sixty with needle-guns; but those who had the needle-guns did not fire into these men. I was circuit clerk and was at the court-house at the time. The colored men crowded around the polls trying to get to the polls in order to vote. The democrats were mixed indiscriminately with the colored men. The whites were all voting, and but very few republicans. The republicans could not get to the polls to vote. They were just elbowed out and could not get in. About 8 or 9, or perhaps 10 o'clock, nearly all the democrats had voted, white and colored.

Q. Was it the understanding or arrangement that the whites or democrats should vote first?—A. No, sir; we never made any such arrangement, but they generally took things in their own way and ran things to suit themselves.

Q. The fact was that they voted first?—A. They voted first. About the time that all or nearly all the democrats had voted, and it was seen that the republicans were voting very slowly, one every five or ten minutes, and in fact they could not get in; they were excluded from the bars, the polls, I spoke to a gentleman there, who appeared to be very prominent. In fact he commanded this company that was there. I wanted him to use his influence to have his party get away so that colored men and republicans could vote. He said he would do so. He went for the purpose of having this peaceable object secured, and it ap-

pears these other democrats saw him, and just at that moment the firing commenced. There was an indiscriminate shooting for five or ten minutes, and I suppose there were a hundred pistol shots on the ground. I know one colored man was killed, and three were wounded. These men mixed indiscriminately with the republicans. They were recalled from the row by the sound of a bugle. The moment the bugle sounded these men ran; they went in every direction.

Q. These White-Liners?—A. The White-Liners.

Q. Democrats?—A. All democrats. In less than a minute and a half about sixty of them were in the street under arms, under command of some one.

Q. At the sound of the bugle?—A. At the sound of the bugle they ran out in every direction.

Q. They had their arms then?—A. They had pistols, and then got their needle-guns.

Q. They had commanders, captains, and officers?—A. They had an officer dressing them up. You know how soldiers are dressed up.

Q. What did they do then?—A. They were probably 150 yards from the court-house then, when they formed this line.

Q. How many of them were there then?—A. I cannot tell exactly. I think about sixty. A great many of the leading colored men in the country came forward, and the former sheriff asked me, "What shall we do? Shall we remain here or leave?" I told them the fact could be demonstrated that it would be utterly impossible to have a peaceable and quiet election. Said I, "You cannot vote here, and the same power that makes it necessary to bring guns to the polls will throw out your votes when they are cast, and you had better go home." They all left. Very few voted after that time. I left myself at that time.

Q. Was the election in Claiborne County in 1875 free from intimidation and violence?—A. I can only speak of my knowledge of the election in Port Gibson. We do not consider that we had a fair election, because the county is overwhelmingly republican, and there were not more than five or six colored people who voted with the democrats, and they all apologized.

Q. Why did they profess to belong to that party?—A. They said, "We have to do it." That expresses it all.

Q. State what you know about the campaign in Claiborne County in 1876.—A. The campaign in 1876 in Claiborne County was very brief. We attempted to have but one republican meeting in Claiborne County, and did not succeed. That was on the 21st of October, and on the occasion of the Hon. J. R. Lynch's visit to the town.

Q. State what took place then.—A. I will state what took place before that.

Q. Very well.—A. We anticipated trouble. We could tell from the tone of the press. They had a little notice in the paper that stated that John R. Lynch was coming to Port Gibson and was going to Ku-Klux the citizens, and there should be somebody to see to it; and there were insinuations of that kind. Three or four days before the election, they had Ku-Klux notices struck up all over the town.

Q. What was the character of those notices?—A. You can judge for yourself. I took occasion to bring one along with me. [Producing.] This is not a Ku-Klux notice got up in the most approved style, but I think it will convey an idea of what they are. A gentleman here has a better one that I sent to him.

Q. Is it in print?—A. This is in print, but the other is pretty much

the same thing; it has the cross-bones and death's head. [Handing the paper.]

Q. This is the character of the notice you now hand me?—A. That is one of the kind they have. There is another kind, more explicit, that they have.

Q. Describe this paper. State what it is, what it says, and what is on it.—A. "I don't know" is the heading of it.

Q. Then what?—A. Then a skull and cross-bones.

Q. Then what?—A. "1900!" They had others that had the skull and cross-bones, and on each side of the cross-bones there was something like this, "Twenty-first—twenty-first."

Q. The 21st of October was the day when Mr. Lynch was to speak there?—A. That was the day when Mr. Lynch was advertised to speak. Then there were daggers, an owl, and "daybreak" printed.

Q. How many of these notices were stuck up?—A. O, the town was full of them. They were stuck up all around.

Q. On the houses, doors, and posts?—A. Yes; on posts and everywhere.

Q. A short time before the meeting?—A. Three or four days before.

Q. Three or four days before the meeting was advertised?—A. Yes, sir.

Mr. MITCHELL. I ask that this paper be made a part of the testimony.

The paper is as follows:

"I DON'T KNOW."

1900!

By Mr. TELLER:

Q. You say there were other notices?—A. Yes, sir; there is one very nice one here some place; Mr. Fisher has it; I sent it to him.

By Mr. MITCHELL:

Q. Proceed with your answer in regard to the campaign.—A. We anticipated trouble. I wrote a dozen letters to Mr. Lynch. At every point where he was to speak I wrote him a letter, and told him the shape of things in our county; that I thought it would be utterly impossible for him to have a meeting there, and that he must govern himself accordingly; that he must expect trouble when he came. On the day when the meeting was announced to take place, early in the morning——

By Mr. KERNAN:

Q. This was on the 21st of October?—A. On the 21st of October. I presume about half past seven or eight o'clock there were one hundred or one hundred and fifty democrats, white men, in town. They were

parading around the streets on horseback, in the neighborhood of the court-house. Probably thirty-five were on horseback in a line. There was not much disturbance—very little that I heard of. One colored man was knocked off his horse. These men had clubs about that long, [indicating.]

By Mr. MITCHELL:

Q. What length?—A. About two and a half or three feet long; very large clubs.

Q. Hickory clubs?—A. It was very hard wood of some description; probably it was hickory or oak. These men had these clubs to keep them in order, and they obstructed the streets pretty much. The train was much later than usual that day. We expected Mr. Lynch to come on the train, and consequently did not organize any meeting until his arrival. About ten or eleven o'clock we heard a shout in the neighborhood of the court-house. Some one announced that Mr. Lynch had arrived. I went down and found him surrounded by these men who had these clubs, and he was holding a parley with the sheriff, if it was possible to have a peaceable meeting. The sheriff told him he thought so, and finally he told him that he would take three men and go to the ground where we proposed to have the meeting. They started off. These other parties were on horseback and I was on foot, and they arrived on the ground before I did. When I came to the ground the sheriff was talking to the meeting that had assembled. Probably three or four hundred colored men had assembled, and the sheriff was talking to them. He said the democrats had no disposition to break up the meeting, and did not come there for that purpose; "Go on and have your meeting," and so on. In the mean time, he had told these men who had the clubs not to come to the ground, but to remain over in the town at the court-house. Mr. Lynch then turned to him and remarked, "We conclude, then, to go on with the meeting," and he said to the sheriff, "Will you guarantee that there will be no trouble; that those men over yonder will not molest the meeting?" The sheriff told him no, he would not guarantee that the meeting would not be molested. He said he would not guarantee that there would not be any trouble; but in the event that there would be trouble, said he, "I will do what I can to suppress it; but I cannot guarantee that there will not be trouble." Acting upon the guarantee that he would use his efforts to suppress any disturbance that might arise, we concluded to have the meeting anyhow. Just at that time one of the young men who was with the sheriff remarked to Mr. Lynch, "Mr. Lynch, it is said that you have made the assertion in your speeches that General Chalmers was at Fort Pillow and there ordered the killing of a negro child. If you make use of that expression here, you will be given the damned lie from the audience and you must take the consequences." Mr. Lynch remarked, "I never yet said General Chalmers ordered the killing of any child. I merely stated he was at Fort Pillow, and endeavoring to prove that he was at Fort Pillow, that came out. I merely made use of that in Natchez in one speech." This young man said, "I merely tell you if you state it, you will be given the damned lie by the audience." Another one of them remarked, "Mr. Lynch, if you say anything we do not indorse, you will be given the damned lie and must take the consequences."

Q. Was this in presence of the sheriff?—A. Certainly, right in the presence of the sheriff.

Q. Did the sheriff attempt to interfere?—A. The sheriff said something or contracted his brows a little.

Q. He made no arrest?—A O, no, he made no arrest. This man said, "If you say anything that we do not indorse, you will be given the damned lie," or "there will be trouble." Mr. Lynch said, "That is exactly what I propose to do, to say something you will not indorse." Then the sheriff rebuked this young fellow. We concluded we would have the meeting anyhow; but I noticed that the colored people began to be very much alarmed. Mr. Lynch took the stand and the colored people began to be very much alarmed. Mr. Lynch took the stand and the colored people protested against having the meeting. They said, "You hear what these men say and we might as well adjourn;" and they commenced moving off in groups of twenty-five and fifty. In the mean time, about five hundred had come there. The meeting was practically broken up. We soon discovered the cause. About fifty yards from the place we could see the head of this column of men coming toward the meeting. There were probably two hundred of them. They had increased to about two hundred.

Q. With arms?—A. They all had their pistols. You could see their pistols sticking out.

Q. Exposed?—A. Not exposed, but you could see the ends sticking out. You know the custom in the South. Every man carries a pistol and does not attempt to conceal it. As soon as the colored men saw these men coming, they left. When there were not more than seventy-five or one hundred colored men remaining, Mr. Lynch said to them, "I see we cannot have any meeting; but I believe you will all vote for me." They gave him a cheer and were about to disperse. I stopped them for a moment and instructed them to register. The registration was still open. That closed the meeting on that day. Mr. Lynch and myself then went to Port Gibson. The point where we held the meeting was about a mile from the town. We went back to the town and from there down to the headquarters and from there home, which took about three-quarters of an hour. In the mean time, the democrats were holding a meeting at the court-house. Information came to me that I had better get Mr. Lynch out of town and myself too; that it would be dangerous for us to remain there, that they were having a meeting and one of the speakers said they intended to have Mr. Lynch back to make a speech; that they said he was endeavoring to get up capital by refusing to speak and they say, "We are going to bring him here and make him speak." I did not give much credit to that, although there was a note written to me about it. In about five minutes, another party came and said, "For God's sake, get Lynch out of town; there will be trouble; they are going to bring him back and make him speak to this audience." I told Mr. Lynch it would not do for us to remain there, and we got ready to leave town. Just about that time we heard an awful noise in the street and saw men with guns in their hands running in all directions. We then thought the mischief had broken loose. Word came that they were hallooing and fighting down at Sprott's; that the negroes and White-Liners were fighting down there, and a great many had been killed.

Q. Where was that?—A. Doctor Sprott lives about a mile from town. There is a bridge farther on, and they said the darkies had ambushed there and a great many had been killed.

By Mr. KERNAN:

Q. The darkies ambushed who?—A. These white men who had gone down there.

Q. Near Sprott's?—A. The rumor came that it was at Sprott's; but afterward they said it took place at the bridge about two miles from Port Gibson. I knew then that it would be dangerous for me or Mr. Lynch to remain in Port Gibson any length of time. He went first, and I went before these parties returned.

By Mr. MITCHELL:

Q. You held no meeting?—A. No, sir, we held no meeting.

Q. What do you know, if anything, about any armed organizations among the colored people?—A. No armed organizations exist among the colored men.

Q. How are they; peaceably and quietly inclined?—A. Very.

Q. Orderly?—A. Very.

Q. Law-abiding as a rule?—A. Very. In fact, I will state right here that in a country where meal is $7.50 a barrel and pork $35 a barrel, the colored people have little money to buy guns.

Q. Is there any disposition among the colored people to array themselves against the whites?

Mr. KERNAN. I object to that.

The WITNESS. Never.

Q. (By Mr. MITCHELL.) What is the disposition on the part of the white democrats in reference to the colored people?—A. I can only judge by the way they conduct themselves toward the colored people. If the colored people attempt to hold a republican meeting, they do their best every time to break it up.

Q. Do you state that the republicans were prevented from organizing and holding meetings in your county during the late campaign?—A. We apprehended that we would not be permitted to do so; that was all. I do not know of my own personal knowledge that they were prevented from holding meetings; but we were fully confident that it would be utterly impossible to do so.

Q. What was the tone of the democratic press there?—A. Very bitter. The democratic paper published there, the Standard, (it is moved to Fayette now, and is in Howard's neighborhood,) was very bitter, indeed.

Q. Is it a common thing or not for democrats to make threats that they would not permit republicans to hold meetings?—A. I could hear of threats being made to colored men. A great many of them were threatened. It was an every-day occurrence. I never had any to threaten me.

Q. What do you know about the *modus operandi* of the registration?—A. I have seen some of that in my time.

Q. Just describe it.

By Mr. KERNAN:

Q. Give about the time.—A. When the registration took place?

Q. Yes, sir.—A. The registration took place a very few weeks before the election.

Q. That was in 1876?—A. Yes; in 1876. In the month of October, the registration took place. The registration was going on when Mr. Lynch was in Port Gibson. I went to the polls on one occasion and remained there about three hours and watched the manner in which they registered. They carried them up one or two flights of stairs to register them; and I noticed that the colored men, republicans, were stationed outside, a string of them along, and that they were not permitted to go up to register as they had been in the past. The democrats would go in and register whenever they pleased; but of the colored people,

only the democrats among them could go in. They took the colored democrats up and registered them in preference to colored republicans. They would ask the republicans a great many questions. I heard this myself. I saw them turn a man off because he could not answer a question of this kind: They would ask, "What is your age; what is your occupation?" and then they would ask them in this way: "Where prosecuted?" Colored people always associate the idea of prosecution with a court, and when asked "where prosecuted" they would not understand, and they would say in a certain county, before a certain magistrate. The registers referred to occupation, and they did not answer that question right, and they would not allow them to register.

By Mr. MITCHELL:

Q. They would mislead applicants in this way?—A. Yes, sir. In a county which we have generally carried by a majority of eighteen hundred or two thousand not more than fifteen hundred republicans were registered at all. They could not register. They were there from day to day. I did my best to get them registered. I instructed them to stay there from day to day so that there would be no excuse for them to say that they could not register. They did so. The very last day crowds of them were at the registration-polls trying to register. On the day of election fully three hundred were in town trying to register. They would not be allowed to register then, but they had got the impression that they could register on that occasion; and they failed to register.

Q. What do you know about asking them questions as to the section of land they lived on?—A. I have heard such things, but I do not know about it. The register told me himself that they would ask who the man's wife was, how many wives he had, how many children. I have that from the register himself.

Q. He told you this?—A. Yes, sir.

Q. Why did he say he put these questions?—A. I know one reason. They would not tell him that he could not register, but they would ask certain questions, and if he was not able to answer those questions they would tell him he could not register. Their policy appeared to be to consume time.

Q. What was your election-precinct?—A. Port Gibson.

Q. Were you there on the day of election in 1876?—A. I was.

Q. How was the election conducted?—A. There was no disturbance on the day of election at all. I saw the republicans had one side to go in and that the democrats had the other. I staid there some time and saw the voting going on. There was no display of arms and no force at all.

Q. Were there any other republican meetings held in the county beside the one you referred to?—A. The republicans never attempted to hold any other meeting.

Q. Why?—A. They were afraid. We were thoroughly intimidated.

Q. No attempt was made except at this time on the 21st of October, that you referred to?—A. No, sir; our meeting was broken up in 1875 and we were afraid.

Q. What was the relative vote in your county as to the whites and blacks?—A. Whites seven or eight hundred; about eight hundred probably.

By Mr. KERNAN:

Q. Which has the majority, white or black?—A. The blacks.

Q. How much?—A. About eighteen hundred. You can judge yourself the relative strength of the county.

Q. You mean the population. The population is about eighteen hundred more black than white?—A. No, sir; I mean the voting population.

By Mr. MITCHELL:

Q. What was the result last year?—A. I think the democrats carried Clairborne County by a majority of about fourteen hundred. I am not very positive, but I know they had a very large majority.

Q. About how many colored men were denied the right of registration in that county in the election of 1876?—A. It is a very difficult matter for me to tell. I know the colored men were very anxious to register. I believe the republican party would have polled a larger vote if the republicans had not been more intimidated than ever before. The colored people were alive to the importance of this election as much as anybody else, and they would have voted almost to a man.

Q. And almost unanimously the republican ticket?—A. Almost unanimously republican, there is no doubt about that. They were all anxious to register in the face of all the intimidation that had been practiced.

Q. Were there as many as a third or a half republican voters in that county denied the right of registration?—A. Fully a third; over a third.

Q. And of the number that were registered what proportion failed to vote, if you know?—A. I think but very few failed to vote, probably one hundred and fifty or two hundred out of the whole number registered.

Q. They generally voted the republican ticket?—A. Yes, sir; I believe they did. I am speaking now from my own opinion. Their sentiments were republican.

By Mr. KERNAN:

Q. Have you had any business in Mississippi except holding these offices you have mentioned?—A. Since 1870?

Q. Yes, sir.—A. No, sir; I received a very severe injury and have been looking after my health. I received the appointment of postmaster in 1870, resigned in 1875, and became circuit clerk. Upon the defeat in the fall of 1875, I gave up my office. I received an injury in the month of January, and have never recovered from the effect of it, and have done nothing scarcely.

Q. Since 1870, you have been in office how much of the time?—A. About five years; near about five years.

Q. You have not been in any other business?—A. No; I owned a barber-shop there, but did not follow it myself.

Q. When did you get your license to practice law?—A. I do not remember exactly the year; it was several years ago.

Q. But you never did practice?—A. I never practiced.

Q. You were one of Governor Ames's secretaries?—A. No, sir; I was one of Governor Ames's appointees.

Q. To what office did he appoint you?—A. Circuit clerk.

Q. I understood you to say that the feeling is strong there against colored men or carpet-baggers holding office? Do you mean by carpet-baggers all the men who come from the North or West?—A. No, sir; I mean all of the men who come South and are put into office. All those are characterized as carpet-baggers.

Q. The popular feeling is not against men who come there and go into business?—A. Yes, sir; to some extent, and especially if they propose to be republicans.

Q. If a man goes down there with capital, do they want to turn him

away with his capital if he chooses to be a republican, when he goes there to do business, as a business man, a man who does not live on politics, but makes use of his capital to go into business?—A. Such a small number of republicans have come there with capital that I do not know that I can express an intelligent opinion about it. I know of one man who came there with capital and did not stay.

Q. I ask you whether you think a man is objected to who goes there to engage in legitimate business with his means because he votes one way or the other?—A. Yes, sir; I believe when a man goes there who is a republican, or proposes to be a republican, he is socially ostracized and his business will be ruined if the democrats can ruin it.

Q. How can you account for the fact that they are constantly urging men to come from the North down there to buy land and become business men among them?

Mr. MITCHELL. Mr. Kernan may know that of his own knowledge. I do not know it.

By Mr. KERNAN:

Q. Do you not know that the people there are inviting, through the press, men from the North to come there without regard to politics?—A. Yes, sir; and they leave pretty soon after they get there.

Q. That may be, and it may be for a good many other reasons. I should think likely if you were governed by a set of fellows who go there to live on offices entirely, they would not want to pay the taxes, and all that; but I ask, would they object to a man coming there and engaging in planting, or in other business, whether he may vote one way in politics rather than the other?—A. Yes, sir.

Q. You think it is so?—A. Yes, sir; there is a practical illustration of that right here.

Q. I only want your opinion.—A. My opinion is——

Q. You can scarcely answer, because there is no man from the North down there except those men who hold the offices. Is that true?—A. Some.

Q. Did you say, in substance, that you could hardly judge of the feeling toward northern men, because there were hardly any down there but those who did hold offices?—A. Hardly any capitalists; and I will tell you why.

Q. No matter about that. Do you think the northern capitalists do not go down there? What do you mean to say about that?—A. There are none down there.

Q. Therefore the northern men down there are the men mainly who hold office?—A. No, sir. I do not believe there is a northern man who holds an office there.

Q. Take it in the palmy days of 1873 or 1874; were there northern men there who did not hold office?—A. There were northern men there who did not hold office.

Q. Most of the northern men there were in office?—A. No, sir.

Q. You say the northern men were called carpet-baggers?—A. Who hold office. They designate those who hold office and go into politics as carpet-baggers.

Q. That is what they call carpet-baggers?—A. Yes, sir.

Q. At Port Gibson, on election-day in 1875, I did not get a very correct idea of your description. About what time of day was it when the trouble arose at the polls?—A. I cannot say exactly. It was between 9 and 11 o'clock—probably about 10 o'clock; somewhere about that time.

Q. Where did the difficulty first arise?—A. At the court-house.
Q. Where they were voting?—A. Where they were voting.
Q. Were you there?—A. I was there.
Q. You said that there was firing?—A. Yes, sir.
Q. With pistols?—A. With pistols; I saw them.
Q. Did you see the first occasion of the firing?—A. I could not say that, only that there was a general mêlée.
Q. You saw some disturbance in the crowd, and firing?—A. A general disturbance and indiscriminate shooting.
Q. Was the first thing the shooting, or was it something of a different character first?—A. I cannot tell; there was just a sort of commotion, and then they cried, "Look out, look out."
Q. Did you see the men who made the first commotion in the crowd?—A. No, sir.
Q. You do not know whether it was by colored men or white men?—A. I saw white men shooting with pistols.
Q. You do not know whether white men or colored men commenced the commotion?—A. I could not tell that.
Q. You said you saw the firing?—A. I saw the firing.
Q. How many shots were fired?—A. About seventy-five.
Q. How many were hurt?—A. One man was killed and three wounded.
Q. Those were colored men?—A. All colored men.
Q. That was all that were killed or injured as far as you know?—A. On that occasion.
Q. Did you, at the time, learn what was the first occasion of the trouble? Up to that time it had been going along peaceably there, had it not?—A. Up to what time?
Q. Up to the time this firing occurred they had been peaceable at the polls?—A. I believe so, except that this crowd was around there.
Q. Can you tell me what caused this first commotion and led immediately to the firing?—A. I can tell what I heard. I did not see that. I saw the commotion after it commenced.
Q. Where did you say they went? You spoke about the crowd rushing somewhere else.—A. The democrats?
Q. Both sides. Describe the whole thing.—A. Some of the colored men rushed away; a great number remained and wanted to know what they should do. The ex-sheriff asked me what they should do.
Q. These were not the men you spoke of as having rifles of some kind?—A. What men?
Q. I think you said you saw sixty men armed with rifles?—A. I did.
Q. Those were not the men who fired?—A. O, yes; the same men rushed for their rifles in a minute.
Q. And these men fired with their rifles?—A. No, sir.
Q. Where were the men with rifles when the pistol-firing occurred?—A. They were mixed indiscriminately with this crowd of colored men.
Q. Did they have their rifles there?—A. No, sir; they did not have their rifles.
Q. Did they go and get their rifles?—A. They went and got their rifles.
Q. Where did they go to get them?—A. I cannot tell. I only saw them when they were out in the street.
Q. You saw them go off somewhere?—A. They went off somewhere.
Q. Was there further shooting?—A. There was no further shooting.
Q. Those men came out with their rifles, but made no use of them?—A. They made no demonstration. The colored people broke away.

Q. The white people went right away when the pistol-firing began?—A. Yes, sir.

Q. Do you know where they got those arms?—A. Do you mean on that occasion?

Q. On that occasion.—A. No, sir; I do not know.

Q. You say you advised the colored men to go off?—A. I advised them not to attempt to vote; that if they could not do so quietly, not to do so at all.

Q. You know of your own knowledge of no other disturbance on election-day?—A. No. sir; this was in 1875.

Q. The meeting or attempted meeting you spoke of at Port Gibson by Mr. Lynch was in 1876?—A. Yes, sir.

Q. Was that the only meeting called in the neighborhood?—A. The only meeting called in the county.

Q. How large was the attendance of colored men in the town of Port Gibson that day?—A. In the town and on the grounds together about eight hundred men at least.

Q. Did they come in from the surrounding country?—A. Yes, sir; a great many did not go to the grounds.

Q. Did the colored people come into town on horseback or otherwise to the meeting?—A. They went to the town on horseback or on mules; they generally go on mules. They did not go in any procession; they went singly and in groups of two or three.

Q. On that morning you say there was a body of men, of one hundred and fifty men on horseback; white men?—A. I saw them on horseback.

Q. In the morning?—A. In the morning.

Q. Was there any personal violence on that day to your knowledge?—A. To my personal knowledge there was not; I heard of it.

Q. You did not see it?—A. No, sir.

Q. How many men were at the place where you had assembled when Mr. Lynch was at the grounds, as you call it?—A. I presume four or five hundred.

Q. How many white men?—A. One white republican; all the rest were colored.

Q. Then how many white men did come there in all at the place of meeting should you say?—A. Right on the ground only four, with the sheriff.

Q. Where was Mr. Lynch when this young man made the remark to him that you stated about Chalmers?—A. About five feet from him.

Q. On the ground?—A. Mr Lynch was on horseback.

Q. It was on the ground?—A. On the ground, in the presence of the assembled company.

Q. It was before they began the meeting; when they were talking about having it?—A. Yes, sir.

Q. And this man said if he would say that, they would give him the lie?—A. Yes, sir; he said he would be given the lie from the audience, and must take the consequences.

Q. There were four white men there in all?—A. Yes, sir; but let me explain something else——

Q. You need not give that. How many white men were there when this conversation took place?—A. There were but four democrats present, one white republican, and all the rest were colored republicans.

Q. Before your meeting, without going through the details, did any more white men come there before you concluded not to have the meeting?—A. There was an understanding——

Q. Answer this short question: Did any more white men come there

before you concluded not to have a meeting?—A. None came. There were some on their way.

Q. I believe you said no other white men had come to the grounds when you concluded not to have the meeting?—A. No, sir; there had not.

Q. From whom did you learn that the democrats in the court-house, or wherever they were holding a meeting, were going to make Mr. Lynch speak? Who told you that, if you have no objection to stating?—A. I would not like to state that, unless you insist upon it.

Q. Never mind. What do you know about this fighting out of the village somewhere; anything of your own knowledge?—A. Nothing of my own knowledge, only that I saw men under arms rushing down that way.

Q. And it was said that the darkies had ambushed the whites down there. Was that what was said?—A. Yes, sir; that the sheriff's posse or some one had been ambushed by the blacks.

Q. And had injured any of them?—A. The rumor was that one had been hurt by a colored man, but it was not the fact; he was not injured.

Q. Do you not know the fact that some white men were injured; did you not learn it afterwards?—A. I said none were touched.

Q. You said that they ambushed the whites?—A. Just at that time the rumor came that Dorsey Killcreek was killed.

Q. Was he a colored man?—A. He was a white man.

Q. A democrat or republican?—A. Neither; a boy.

Q. Do you know, in fact, whether he was injured or killed?—A. He was never touched. I know him well. I have seen him frequently since.

Q. He was not, therefore, hurt?—A. No, sir.

Q. Do you know whether anybody was hurt?—A. Yes, sir.

Q. Who was hurt?—A. A black fellow was shot in the foot.

Q. Wounded in the foot?—A. Wounded in the foot.

Q. Was anybody else hurt?—A. Nobody else that I know of.

Q. Do you know how that affray commenced, which party began first, of your knowledge?—A. No, sir.

Q. No one was hurt except this black man who was shot in the foot?—A. That was all.

Q. Do you know that the colored people have no arms in your county?—A. They have a few shot-guns and a few pistols; worthless things, cheap trash.

Q. Have you ever examined to see whether they were worthless?—A. Not particularly, but generally.

Q. To what extent can you speak of your knowledge of what kind of pistols they have?—A. I have seen them generally.

Q. Of the number in the State?—A. Not in the State. I am speaking generally of those I have seen. They have these little short pistols and double-barreled shot-guns made of pot-metal.

Q. Have not many colored men shot-guns?—A. A great many have shot-guns.

Q. They keep them, I suppose?—A. Yes, sir.

Q. You say the tone of the democratic press was bitter in this canvass of 1876?—A. Rather bitter.

Q. What was the tone of the republican press?—A. We had no republican press.

Q. No republican paper in the county?—A. No, sir.

Q. Do you know what was the tone of the republican press throughout

the State where they had a paper?—A. Yes, sir; I never thought it was very bitter.

Q. They answer back pretty well, do they not?—A. Not very well.

Q. At this registering-place, they had one place all the season?—A. All the season.

Q. For how long a time were they receiving and recording the registration?—A. You see there is a register in each precinct a certain number of days—two days, three days. They stopped for several days, and I lost the thread of it.

Q. How many times were you present at the registering-place?—A. Twice.

Q. And in all how many hours?—A. I was in one place two hours and a half or three hours.

Q. At which precinct?—At Port Gibson.

Q. That was up stairs?—A. The registering took place up-stairs.

Q. Do you know how many days they registered there, or when the registration was open?—A. No, sir; except as they announced it. I saw two occasions announced.

Q. Notice was given for how many days?—A. I believe four days, and then two days besides for what is called the general registration.

A. Was there not a general registration at the court-house?—A. That is what I say—two days, I believe, for general registration.

Q. Only two?—A. I think two.

Q. That was for those who had failed to register on the former occasion?—A. Yes, sir.

Q. Can you state the questions that you observed there that you thought needless, if you did think any needless?—A. I cannot tell you exactly the questions, but they would ask them several questions. First, they would ask, "What is your name?" "What is your occupation?" and then, "Where do you live?" and "Where prosecuted?"

Q. That is, where the occupation was prosecuted?—A. It did not come that way; they would ask the men where prosecuted.

Q. You thought that was the question that troubled them?—A. No, not at all; but I think the way they put it was altogether wrong. They would ask, what is your occupation and where do you live, and then, where prosecuted. If the question where prosecuted had immediately followed the question as to occupation, any of them almost could have answered the question.

Q. You think putting it the other way troubled them?—A. Yes, sir. They would ask what they meant by where prosecuted, and they would not tell them, but would tell them to go out.

Q. On how many occasions did you hear that question asked?—A. I only saw one man turned off, from the simple fact that they only allowed two or three at a time.

Q. You would not be afraid to tell me this colored man's name who was turned off?—A. I could not tell you his name; I saw the man.

Q. Did you see any others turned off?—A. I saw a great many others who said——

Q. I do not ask you what they said.—A. I cannot say of my own knowledge.

Q. Were you there three hours?—A. The registration was up stairs, and they would not allow a person to go up.

Q. How did you see them ask the questions?—A. I saw it there.

Q. How long were you there when they asked these questions?—A. Ten minutes.

Q. So this one case was the only one you had the means of knowing

and the only one you did know?—A. Yes, sir; the only one I saw turned off.

Q. You cannot give me the name of that man?—A. No, sir.

Q. Can you give me the name of any man who, of your own knowledge, failed to register owing to trouble of that kind?—A. I cannot give the names; I know hundreds of them.

Q. Of your own knowledge?—A. They told me.

Q. That is not of your own knowledge. You did not see any man turned away but one?—A. The democrats are too sharp for that, you know.

Q. I suppose you have a law that prescribed something of the mode of registration and counting?—A. Yes, sir.

Q. Is it not true that there is some need of identification of parties who register?—A. O, yes; the locality where they live, and so on.

Q. These are necessary to show that it is the same man?—A. I understand so.

Q. So they might ask whether he had a wife and children or not?—A. I do not know about that.

Q. Did you not think that would help them somewhat to find out whether they were true men, to know whether they had a family or not?—A. I think not.

Q. It would not be a very difficult question to answer?—A. No; it would not be very difficult, but it would not be relevant.

Q. The law requires them to ascertain where the man lived in your State?—A. O, yes, sir.

Q. On election day it was entirely peaceable and quiet?—A. Peaceable and quiet. When I say peaceable and quiet I refer to my town.

Q. On what knowledge do you speak when you state that a third of the colored men were deprived of registration?—A. From the simple fact that I saw them leaving the registration polls the last day, telling me they could not register.

Q. You only mean this to apply to the precinct you were at?—A. I will explain. On the last two days all those in the county who had not registered were in town; the town was filled with them.

Q. Of your own knowledge? Were you then present so that you could know?—A. I was not present where the registration took place.

Q. So that all you know about one-third being turned away is substantially derived from what they told you?—A. From what they told me.

Q. Not of your own knowledge?—A. No, sir.

Q. This remark applies to those who left the court-house, the place where they were having the final registration?—A. Yes, sir.

Q. How many could you say at the court-house said they could not register?—A. A great number of them.

Q. Give some idea.—A. I gave you my idea when I said fully one-third in the county failed to register.

Q. How many colored men are there in the county in all?—A. You can judge yourself. We generally carry the county by from 1,800 to 2,000, and the democrats carried it last year by 600 or 700.

Q. What is the vote of the county?—A. From 2,800 to 3,000.

Q. Do you mean to say that a thousand men told you they could not register?—A. I think fully 1,000 failed to register. The town was filled with them.

Q. They told you?—A. They did not all tell me. I saw the crowds going away. They were very much down in the mouth, and they said they could not register.

Q. Did you talk with half of them?—A. I talked with a great many.
Q. How many?—A. I could not tell exactly, but great numbers.
Q. State what you mean by great numbers.—A. As I stated awhile ago, fully a third of the men failed to register.
Q. I ask you right over whether 900 or 1,000 told you so?—A. O, no, they did not.
Q. Therefore, one-third in the county did not tell you so?—A. Well, they did not register.

W. D. GIBBS sworn and examined.

By Mr. KERNAN:

Question. Where do you live?—Answer. I live in Yazoo County, Mississippi.
Q. In a village or in the country?—A. I am now living in Yazoo City.
Q. How long have you lived there?—A. I have lived all my life in the county. I lived in Yazoo City until I was nearly 21 years of age, and then moved to the country, and in March, 1876, I went back to Yazoo City to live.
Q. Several years prior to that you lived in the country?—A. Yes, sir.
Q. How far did you live from the city when in the country?—A. I lived about 20 miles from Yazoo City.
Q. You, I believe, were elector on the democratic ticket in this last canvass?—A. I was, in 1876.
Q. What part, if any, did you take in 1875?—A. I was a delegate from my county to the tax-payers' convention, which was really the beginning of the canvass, I suppose, in 1875—held in January, 1875. I was a delegate to what was known as the Vicksburg convention, April 17, 1875. I was a member of the committee appointed by the democratic members of the legislature to meet in May, 1875, for the purpose of taking into consideration the organization of the party; and I was a delegate from my county to the August convention of 1875.
Q. Was that a State convention?—A. Yes, sir, a State convention at which the platform of the democratic party was laid down.

By Mr. MITCHELL:

Q. That was in August?—A. August 9, I think, 1875.

By Mr. KERNAN:

Q. Did you take any other part in the canvass?—A. It may be proper to state that the convention re-organized the democratic party of the State.
Q. Are you a man who speaks at all at public meetings?—A. Yes, sir; I am a planter and a lawyer and have taken a great deal of interest in politics since the war; that is, since 1867.
Q. You took part in the canvass and spoke in 1875?—A. Yes, sir.
Q. And also in 1876?—A. In 1876.
Q. You were an elector in 1876?—A. I was an elector in 1876.
Q. Taking it in the order of time in your own knowledge as to the character of the canvass in the election of 1875, in reference to its being free from intimidation or violence, or otherwise, if you know of any violence or any intimidation exercised state it, and give it in full, without my framing questions to you. Give it in your own way right through as well as you can, avoiding any hearsay about it, but stating what you know and have observed.—A. I suppose an answer to that question involves a description of the condition of affairs at the time that the can-

vass in 1875 opened in the State. In 1867, the democratic party, or the white people they called themselves, were divided as to the policy of reconstruction. On account of the disqualifications under the disfranchising clauses in the constitution adopted by the constitutional convention in 1868, the disqualifications for holding office being much more extensive than were provided for in the fourteenth amendment, the white people rallied, not as a party so much as the white people, and that was the only contest that we made from 1868 till 1875. In the canvass in 1867, there was what was known as the Dent candidates. The white people, or the democrats, did not make a struggle, because they were satisfied to let things go along. I was a candidate then for State senator, and I know from my own observation and experience that the white people did not support that ticket; but, on the contrary, a great many men who classed themselves as democrats voted for Alcorn, and a great many more refused to have anything to do with it, on the ground that the State was to be reconstructed in a certain way and they would just let it go along. They abstained, you might say, from politics certainly in 1869——

Q. Before passing to that, state what was the result of the election in 1868.—A. In 1868, with a large portion of the whites disfranchised under the fourteenth amendment we defeated the constitution by a vote of between seven thousand and eight thousand.

Q. You struggled against that on account of its disfranchising clause?—A. Its disfranchising clause. In 1869, we made no contest, and a great many democrats voted for Alcorn on the idea that he was a Southern man and would be better than Dent, who was what we termed a carpet-bagger. There really was no struggle to amount to anything in the State. The white vote was not brought out.

Q. What was the result in '69? Alcorn was elected?—A. Alcorn was elected by a large majority. Then there were a great many white people disfranchised under the fourteenth amendment.

Q. The white people generally went for him?—A. No, sir; not generally. A great many voted for Dent; but the strength of the party was not polled. It was not a popular movement. The people were satisfied that Alcorn would be elected anyhow, and that the reconstruction would go along under the policy of the party then in power, and there was nothing like a determined struggle made against the republican party. I never considered that there was, although I was engaged in the Dent canvass myself against Colonel Morgan, who beat me by a very large majority.

Q. You and he were running for State senator?—A. We were running for State senator. I was running with no expectation or hope of being elected. We had no general State election then until 1873. I merely state this to explain why we made no real struggle for the State government until 1875, and to show the reason why the majorities were so different. In 1872, the Greeley movement was inaugurated, and it was not very popular. I do not think there were more than five or six hundred democrats in Yazoo County who voted for Greeley. Of course, the colored people up to that time were thoroughly united under the loyal leagues, and under the influence of those men from the North, who came down there and took part in the politics of the State, and those southern men who joined with them. In 1873, the democratic party refused to make a nomination; that left the field open to Alcorn, who ran as a bolter against Ames, the regular candidate. There was the first hope we had of success, the division that grew up in the party between Alcorn and Ames. Before that the republican party had been perfectly solid.

The Greeley movement did not make much of a change; but there was a difference in the party, and we abstained from having anything to do with it in the hope that that division would destroy the republican party, or, at least, destroy its strength, so that at some other time we would be enabled to achieve a victory. In 1874, the tidal wave, as it is called, of the North, satisfied us that if we succeeded in winning the control of the government of Mississippi we would be permitted to enjoy it. In the mean time, the two parties in Mississippi had been rallied on what was known really as the color-line. The colored people were generally solid; you might say they were solid. After the election in 1868, we ceased to take much interest, because we knew it would not do much good. The colored people were solid all the time, although we made efforts. We made speeches even in the Alcorn campaign, and efforts were made. The people generally talked politics to the colored people all the time with the hope of getting them on their side after a while. The division between the Alcorn and the Ames faction in my county, and I suppose it was so throughout the State, rather caused the colored people to a certain extent to distrust their leaders. The colored people were completely under the control and leadership of their leaders. They were as much subject to their leaders in politics as to commands as they were subject to their masters before the war. It is their natural disposition, being an ignorant people, to be led. For instance, I do not suppose that of those who grew up before the war, five in a hundred can read the ticket they vote. They were naturally attracted to these men, on account of the gratitude they felt to the republican party of the North for what they considered their actual enfranchisement, and on account of the southern people being at the first, in 1867, somewhat opposed for various reasons to the reconstruction acts as proposed; but still, as time drifted them away from slavery, and as they formed business connections with the white people and were dependent upon them for their land, dependent upon them for their support, they naturally became more under our influence; and we believed in 1875 that we could, by a thorough, united, and determined effort and legitimate means, succeed in getting control of the State government. It was not so much what you would call in the North a difference between the democratic and republican parties as the struggle of the native white people; and a great many republicans were with us against the party that was controlled by what was known as the "carpet-baggers"—I believe that is the generic term—and the southern white people who acted with them. It was a struggle for the control of the State government, and one that we felt a deep interest in, because under the radical party in Mississippi, the native element, the white population, to a certain extent, were practically excluded from the control of the government and the management of their affairs.

Q. Come to 1875 and describe that.—A. That was the condition of things. We felt that a few years more of increase of taxation would simply ruin us, and the white men of Mississippi determined to bend their energies to the task of redeeming the State of Mississippi and bringing it back into their own hands by legitimate means. Every energy was called forth; every man was expected to speak who could speak; every legitimate influence that could be brought to bear was expected to be brought to bear, and I believe was brought to bear. Thousands of white men who had never registered came out and registered; hundreds of men who never had taken any interest in politics since the war came out and took the stump, and we made the best political fight we could.

By Mr. MITCHELL:

Q. That was in 1875?—A. That was in 1875. We had great advantages, and it is well here to state them. We had very great advantages over the political party in Mississippi; by their conduct they had disgusted the colored people to a certain extent; by their rapid increase of taxation, the figures of which, from the secretary of state, I have here, and will refer to before I get through. The effect had been such that, in order to keep the colored people together, it was necessary for them to rally them on the line of political hostility to the southern white people. The only idea, and I think the truth of history will sustain me in this, was that the southern white man is the political enemy of the southern colored men and must not be trusted by him. It is true that occasionally southern men were permitted to enter the republican party, and as long as they went as the carpet-bagger leaders dictated they had some sort of influence; but as soon as they chose to go in an independent way, they were unceremoniously, so far as the history of our State goes, kicked out of the party. The negro was controlled politically on the idea that he was freed by the party in power in the National Government, and that he must not trust the southern white people among whom he lived in politics. Of course ten years to a certain extent modified that, and we went to work and made speeches and organized colored clubs, and did everything in our power that, politically, men do. The negroes in the State of Mississippi do not own the land. Some few of them are buying land, but the white men own the land. The white people furnish the money to raise the crops. The white people practice law for them. The white people are their physicians. Naturally the white people hold a great influence over the colored people, and, of course, all the legitimate means were intended to be used in that canvass. I think there was a colored majority in Mississippi of about 10,000.

Mr. TELLER. It seems to me the witness had better state what he did see.

Mr. MITCHELL. State facts rather than theories.

The WITNESS. That was the general policy of the canvass.

Mr. KERNAN. Bear in mind that the charge is, and I want you, therefore, to speak of that, so far as you have knowledge—that in addition to what you did legitimately, it is charged that yousued intimidation and violence to control the vote; and that is the main question being discussed.

Mr. TELLER. Are you speaking of the campaign of 1875, or 1876?

Mr. KERNAN. The witness is speaking of 1875. I thought of taking them up in the order of time.

The WITNESS. Now, then, in my county, Yazoo, so far as I know, there never was any actual violence; but I heard of some, but it was told me as not being gotten up for any political effect. There was some violence in Yazoo.

Q. (By Mr. KERNAN.) In the city or county?—A. In Yazoo County; I can state all I know. Is it necessary to state all I heard, too?

Q. If the other side want what you heard, of course, they have a right to cross-examine you about it; but what I want you to give is what you know and where you learned the facts, in a way that is reliable.—A. In our county, in the convention we had in June, there was a resolution proposed that we should adopt what was known as the white-line movement. It was voted down by about three to one. In August, when I came back from Jackson, there was very little done

in the canvass. There was some discussion about who was to be nominated. There was only one State officer to be elected, and that was the secretary of state. The general impression was that we would organize the party. We provided for the organization of clubs and speeches to be made.

Q. Was there any attempt at violence?—A. So far as I heard, so far as I know, there was no understanding that there was to be any violence for the purpose of intimidating the colored people or intimidating any body. I understood this much, that there was a firm determination to carry the election by legitimate means, and that we were to do all that was possible for men to do under these circumstances, for we felt it was a sort of struggle for our State.

Q. Go on and state what you did about organizing the clubs.—A. We organized white clubs and colored clubs in the county.

Q. To what extent did you organize colored clubs?—A. In the canvass nearly all the county was organized into colored clubs. A great proportion of the colored men on the day of election voted by fifties and hundreds and by two and three hundreds the democratic ticket, as they had formerly voted the republican ticket.

Q. Was that brought about by terrorism, by threatening, or by coercion in any way, to your knowledge?—A. I do not know that it was. There was some violence in our county.

Q. State it.—A. I am not prepared to say to what extent that might influence them or to what extent it did influence them.

Q. To what do you refer?—A. There was a riot at Wilson's Hall, which was fully explained before the Boutwell committee. I was not there and only know of it from hearsay. That was the first act of violence that I know of.

Q. About what time did that occur?—A. That occurred on the 1st of September.

Q. What did it arise out of?—A. I have no means of knowing except from hearsay.

Q. You say evidence of that is in the Boutwell report?—A. All of that evidence is in the Boutwell report; the testimony of people, both republicans and democrats, who knew of the occurrence. I was twenty miles away. I heard of it next morning, and am not prepared to say by my own knowledge that I know anything about it.

Q. What violence was used in 1875 that you know about?—A. I would say that one morning about sun up I got a message from a neighbor of mine that they were fighting in Satartia; that three white men had been killed, and to go down and see about it. I got on my horse and went down there; and going down a good many others filed in, and we had a sort of neighborhood organization there. The year before there had been a regular organization; but it was disbanded, and it was then just as neighbors, you know. I went down and found at the town of Satartia a white man, a democrat, by the name of Rose, with his arm shot through here, [indicating.] He died from it. A man by the name of Mabling was shot in the arm, and a man by the name of Montgomery had half a dozen bullet-holes through the lapel of his coat. They told us that there had been a fight; that the colored men had fired on them the night before at Ewing's Quarter. I do not swear to this from my own knowledge. I went there and the crowd with us. We had a magistrate, and we also had a deputy sheriff, Captain Hart, who held Colonel Morgan's commission as deputy, with us. Captain Hart joined us afterward; but they were in the party. Several parties came in. They had sent runners out who said that there was a great row there. We found

out from the parties in the difficulty about this state of facts: that about eight o'clock word had come that the negroes were collecting in Ewing's Quarter, about two miles below town, armed, for the purpose of coming out and attacking and burning the town. The town is incorporated; I think the vote is about 35; it is a little bit of a trading-point on the Yazoo River. They learned that these men, Mabling, Montgomery, Rose, and Slingerlang, had perhaps been sent down there to find out what was the matter, and when they were very near they saw a large body of colored men in the quarter. They were discovered by these colored men, and probably a hundred shots were fired at them with shot-guns and one thing and another. It happened in the dark. One of the men, Rose, returned the fire, and they left there. Of course they were only a small party, and they had not gone, as they stated, to have any difficulty, but just to see what was really up, and they had left there in a hurry and hid in a little swamp and sent one of their men on to run and bring some men to carry this wounded man, Rose, who was too badly wounded to walk.

Q. These four or five men went there?—A. These four or five men went there.

Q. How many of the others were there did they suppose?—A. They supposed there were a hundred or two; it was dark.

Q. Was any colored man wounded?—A. No colored man wounded was found on the ground, except one, I heard afterward was shot in the shoulder; and there was one whose body was found in the river there; it was right against a steep bluff. This man Rose said he thought he had shot him, but they never could find any bullet-holes on him, and the presumption was that he had jumped into the river. Rose said he thought he shot him.

Q. It was their claim that the colored people fired first?—A. They claimed that the colored people, discovering them behind a little fence, fired on them. The understanding was, that these colored men had taken refuge in a large swamp, with their arms. We went down below the swamp, the party I had meeting another party with Captain Childers. First we went out to Phœnix, and in that neighborhood, supposing they would take another road to go to Warren County. Then we came back below where this swamp was to see if we could find any of these men. I will state that in the mean time we passed through fields of cotton where hundreds of colored men were at work—not hundreds, perhaps, but a great number were there. There was no disturbance, no interference with anybody in their business whatever; but not finding those men we came back to the town of Satartia. We got there about eight o'clock at night. We had a peace-officer with us to make the arrest if it could be done peaceably. There we met Captain Taylor with a company, who went back home. We staid there that night and guarded the town of Satartia, at the request of the citizens, who thought that there was going to be an attack made on the town at night. There was one colored man brought in whose gun had been freshly discharged, and who was charged with having participated in the riot; but he was permitted to return home unmolested, because it was thought the proof was not sufficient.

Q. He denied that he did participate in it?—A. He denied that he did; and while they had some proof against him, at the same time it was not considered sufficient, and he was discharged and permitted to go home. After that we went home.

Q. Did you learn what this assembly of those colored men and the name story that they were going to burn the town grew out of?—A. [illegible]

I heard something about that. I heard that the day before was registration-day there, and there had been a sort of mock fight, which is described here by somebody in Boutwell's report, between Captain Bob Johnson and Henry Dickson, and that they were incensed at what had occurred. I suppose that they were scared out of town or something. I do not know that they were, but I suppose that was probably the occasion of their assembling. That is what they said about it; but at the same time if you will permit me telling what I heard, I will state it.

Q. Tell what you heard.—A. I heard that a Major Harris, a colored man, had on Sunday made a speech in Ewing's quarter at a religious meeting, and told the colored men to be ready with their arms; that he would give his word that they could possess themselves of the Yazoo Valley; that they were ten to one, and that they could take it away from the white people. That is the statement on both sides.

Q. That was one occurrence?—A. That was one occurrence.

Q. What other violence, if any, did you know of during the canvass of 1875?—A. That is about the only act of violence that I heard of.

Q. That you looked into and investigated?—A. I investigated that, because I happened to be on the ground, and was sent for in great haste to prevent any further riot or disturbance.

Q. Did you canvass during the fall of 1875, and make speeches?—A. Yes, sir; I made speeches.

Q. Did colored men go to hear you?—A. Yes, sir; I generally have succeeded in getting very good audiences of colored men. Right in my neighborhood there we had organized previously to that; in fact we had organized, in August, a colored club.

Q. To what extent did the colored men organize in clubs with the democrats that fall?—A. I know in our beat three-fourths of the colored men before the election were organized in colored clubs.

Q. Acting with the democrats?—A. Acting with the democratic party. On my place I worked about thirty or forty hands, and I know that in the neighborhood there was a large number. I know when Colonel Singleton came over to speak, about the 16th of September, large crowds went to hear him, and that there were large accessions to the democratic club in that neighborhood. I know that we had a large democratic club at what was known as the Woodbine church, and I know when our beat-officers were elected the colored men were allowed representation in it, and allowed to have a voice in the matter; that is, they elected representatives. Sometimes they organized strictly as colored clubs; at other times they would join our clubs, and have the same rights we would. Colored men would be elected vice-president sometimes, just like in any other political canvass.

Q. It was suggested to me that Polk, a presiding elder, was there. How did he act?—A. He has been a democrat ever since there has been any political division in the State.

Q. Did he act with colored men with you?—A. Yes, sir.

By Mr. MITCHELL:

Q. Who was he?—A. Reuben Polk.

Q. A colored man?—A. A colored man.

Q. He has always been a democrat, you say?—A. He has always been a democrat. He was the head of this club, the president of it.

By Mr. KERNAN:

Q. He organized the club?—A. Yes, sir.

Q. A colored club?—A. Yes, sir; I was up there and made a speech was sent runthree nights before the election. I think the election was on

Tuesday, and it was Saturday night or Friday night that I went up to the church and made a speech, and I think they claimed to have between seventy-five and a hundred.

Q. Colored men in the club?—A. Yes, sir; he was president of it. Then they had one on Cannon's place, about two miles from there. They had a very large colored club at Dover, eight miles from there, I know, because I made a speech about two weeks before the election there. I was specially requested to speak to them.

Q. How large was that club?—A. I suppose there were eighty in it.

Q. How did they act?—A. I will tell you.

Q. In reference to being in earnest about it or being frightened into it?—A. I went up there and old Jacob Knight, who was formerly president of the loyal league, and Lije Jackson, both of whom were presidents of loyal leagues, were there, and we made a fair and square trade. There were about forty or fifty white people there, and they agreed that they would stand up to all the rights of the colored people, and protect them and do everything they could. They made a sort of treaty of friendship, you might say. The colored people agreed to trust us, and as long as we kept their schools and protected them in their rights they would stick to us, and when we ceased to do that they would quit us. That was exactly the substance of my speech. We shook hands on it.

Q. When it came to election-day how did they act?—A. I voted at Dover. I left my plantation in the morning. Most of the hands on my place voted at Satartia, but I voted at Dover. All the hands on my place voted the democratic ticket straight through. About half a dozen concluded to go with me to Dover. They went with me, and on the way we picked up others as they were waiting for me by arrangement, and by the time I got to Dover I had fifty or sixty in my procession, with democratic banners and badges, and all that.

Q. Colored men?—A. Colored men. We all voted the democratic ticket together. The clubs came in from different directions. Mr. Day brought in, I think, thirty from his place, all with democratic badges, and they came up to me that day. I had a great deal of talk with them and they all professed themselves perfectly satisfied and glad that they were united with the people who live in their country, politically as well as otherwise.

Q. They were enthusiastic in their meetings?—A. Yes, sir; very enthusiastic. There is a law in Mississippi that does not allow any whisky to be sold on the day of election, and of course whatever enthusiasm they had was genuine. This law was generally observed. It did not allow whisky to be sold within five miles of a precinct.

Q. From your knowledge and accurate information, extended as it was, was there a free election, free from intimidation and violence?—A. There was nothing in the world that could by any possible chance be construed into intimidation there on that day. There were some circumstances that occurred in the county, for instance, which resulted in Colonel Morgan there leaving the county, and some things that the republicans claim to have affected the election. How far they affected the election, or whether they did affect it, I do not pretend to say; but on the day of election, and for several days, you might say a week or ten days, previous to the election the whole county was covered with democratic orators going around organizing clubs with a hurrah.

Q. Processions, I suppose.—A. Processions, and everything of sort.

Q. Is there anything else about the canvass of 1875 that you think his name state?—A. I saw no act of intimidation, I know of no act

tion, but some things occurred which the republicans claimed were acts of intimidation.

Q. State those.—A. I will state from hearsay. Up to that time it had been the custom among the negroes who belonged to the republican party—whether they did it under the advice of their white leaders or not I will not assert—to proscribe and persecute, and in some cases, I have heard, to beat and threaten death to those colored people who joined the democratic party; and I do not think that the democratic colored people had been treated as well as they ought to have been by the democrats up to that time.

Q. They had not been protected against these persecutions from their own color?—A. They had not been protected against these persecutions. I will state an instance of my own knowledge. I was candidate for State senator in 1869. I had traveling with me Reuben Polk, who was a candidate for the legislature, one of the wealthiest colored men in the county, a man who could read and write, a minister of the gospel. He was a candidate for the legislature. On my canvass through the county he went with me, and I was compelled everywhere to take him with me and let him sleep near me, in the house with me, as he said, to prevent his being assaulted and killed by his own race. That was an evidence of the feeling.

Q. He was a man of some property and intelligence?—A. Of some little property then. He has since acquired a great deal by honest labor. He is not a politician in any sense of the word. He went into the campaign at my suggestion, because I considered he was one of the most sensible men of his race in the county. He made the canvass. It has been thoroughly understood among the democrats, among the colored people, and I do not suppose it will be denied, that that has been the feeling in our county. My experience with politics has not been outside of Yazoo, except at State conventions, until I was a candidate for elector.

Q. That was the feeling of your county in 1875?—A. That was the feeling in it then. I had several democratic colored people to tell me of persecutions they suffered. In fact they were about to break up Reuben Polk's church at one time and they quit going to hear him, but finally he was smarter than any one of them, I reckon, and managed to get them back in some way. He has been a democrat all the time and has acquired considerable property. The white people, of course, were particularly partial to him on that account; they stood by him firmly; and he always told the colored people that he would act with the white people.

Q. How widely was that disposition to persecute among the colored people?—A. In 1872 and 1873, along there, it was just understood that if a colored man joined the democratic party he was ostracized by his own race, and persecuted, and subject to be beaten. They would not very often hear them speak. I have seen that colored man, Reuben Polk, get up after me. They would listen attentively to me. They thought, of course, I was a southern man and would be a democrat naturally, but that he, being a colored man, had no right to be a democrat. That is the way they put it up down there. That is the idea.

Q. They would not listen to him kindly?—A. No.

Q. They interrupted him?—A. They interrupted him, and I have no
" would have injured him had it not been that he knew better and
Q. Heart for them.
wa[illegible] A. carried your county in 1875 by what majority?—A. I do not
sent rumoreas the most astonished, the republicans or the democrats.

We never expected to carry it by more than five hundred or a thousand. We carried it by about four thousand, but that is accounted for simply this way; that whenever the colored people became satisfied of the fact in the county that if they expected to do well and prosper it would be better to trust the people they lived among and had the same interest with them than to trust those men who, to say the least of it, made politics their business, they voted the democratic ticket.

By Mr. MITCHELL:

Q. You speak of the election of 1875?—A. Of 1875.

By Mr. KERNAN:

Q. So far as you had observation in that election, did the colored men who voted with you vote freely?—A. They voted freely so far as I saw. I was only at one box that day. Dozens of them came to me and shook hands with me, and said they were glad to be on the same side that I was; that they had been long in antagonism to their people, but that they were glad to be now on their side, and were satisfied they would be protected in their rights and liberties. Not one, but twenty-five or thirty said that.

Q. Did not the colored men have a jubilation after the result in Yazoo City?—A. Yes, sir. I was not present, owing to the fact that a neighbor of mine promised to come by for me and did not. I live twenty miles off and was disappointed in getting there. I believe I was on the committee to help to get up some funds or something. I know they had a jubilation and a great many colored men from my place went there. Colonel Singleton, and Lamar, and Major Money made speeches. There was reported to be a large crowd.

Q. As to 1876, you were an elector then and canvassed through how many counties?—A. I spoke in ten counties in 1876. There are twelve counties in Colonel Singleton's district, and I spoke in all but two of them.

Q. Describe your canvass?—A. I was in Wayne County, a county having a considerable white majority. I learned there that the colored people had not voted with the white people at the election before that to any extent. It was a white county and, therefore, democratic, but they told me that they thought a great many would vote with them.

Q. Did any attend the meeting you addressed there?—A. Some few. It was at night. There were not a great many colored people immediately at Waynesborough, the place of speaking. I spoke in Clark County.

Q. How as to that?—A. I spoke in Clark County three or four times.

Q. Are there many colored people in that county?—A. Yes, sir. I spoke at Enterprise October 5, I think it was. There is a white majority of a hundred in the county. I had about twenty-five or thirty colored men to hear me that night.

Q. At a meeting how large?—A. I suppose there were a hundred in it. I went on down the road, and not being able to get a conveyance, I did not get out to Jones County, and came back to Enterprise to lie over the two days that I should have spent in Jones County. While there the president of the Loyal League, the republican club, with three or four others, came to me and told me that they had heard me the week before, and would be very glad for me to make them a speech.

Q. They were colored men?—A. Colored men.

Q. Officers of the loyal league?—A. One was; Dody, I think his name was, or Doty.

Q. They came and saw you?—A. Yes, sir; I told Dody, "If you get me a crowd and assure me that they will come and hear me I will speak for you, but I will not talk to empty benches." It was registration-day, and a good many black people were in the town. They said, "We will insure you a good crowd; we want to hear both sides of this question; we heard you talk the other night and want to hear you talk again." I said, "If you will get me a crowd I will make a speech exclusively for the colored people." That was in the morning. At three o'clock in the evening I went over there and there were about one hundred colored men, and they all said it was the largest colored audience that had ever assembled there except to hear republican speeches, and larger than either republicans or democrats had had that fall. I made them a speech. Several of them joined the democratic club before I left there. Most of them came up and spoke to me and said they were glad that I had made this speech. Several of them promised me that they would vote our ticket, or anyhow if they did not vote our ticket that they would not vote at all. That was unsolicited by me. I was over there in a white district. The western portion of my district is colored.

Q. Was the tenor of your speech to these colored men threatening or was it moderate?—A. I satisfied them, to the best of my knowledge and ability, the interests of the white man and the black man in Mississippi were identical; and that they had been in antagonism for years politically, but were getting to have sense enough to know that we must work together for the good of Mississippi.

Q. That was the line of your argument?—A. That was the line of my argument.

Q. You made no threats at all?—A. No threats at all.

Q. At what other places did you speak in that county?—A. I spoke at Shabuta. There were some colored men there. It was a very small crowd. There had been a joint discussion the night before between Hancock, a republican candidate for Congress, and Whittaker and some other parties from Meridian. It was not one of my regular appointments, but a called meeting, and there was not a large crowd; but there were some colored men there.

Q. Judge Hancock was a candidate for Congress against Mr. Singleton?—A. Against Singleton.

Q. He lives in that county?—A. Yes, sir; and he had spoken there the night before with Mr. Whittaker and other democratic speakers.

Q. He was circuit judge and had long lived in the county?—A. He was circuit judge.

Q. So far as you saw in that county, did you see any violence?—A. I did not see any violence.

Q. Did you see any intimidation?—A. I did not hear of any intimidation.

Q. There was good feeling?—A. Good feeling. Major Edmundson, who had voted in 1875 with the republicans, and had been a republican leader there for years, came and told me before I left that he was satisfied that we were right, and that he would join the Tilden reform party and carry all the influence he had with the colored people in that direction.

Q. Did he do it?—A. He did so. He came out in a letter. He had large influence among the colored people, it was so said; I never had heard of him before.

By Mr. MITCHELL:

Q. What was his name?—A. Major Edmundson.

By Mr. TELLER:

Q. A white man?—A. Yes, sir; I afterward made a speech at Paulding, in Jasper County, a white county. There were a good many colored people out to hear me. Colonel Singleton and his opponent, Judge Hancock, had had a joint discussion there about two weeks before. When I got back to Enterprise, I met a man by the name of Simmons, who is said to carry the vote of Jasper County in his breeches-pocket.

By Mr. KERNAN:

Q. He had been a prominent republican?—A. He was the leader of the colored people in that county; and he told me he was going back home. He was not present when I spoke, but he had heard, I think, Mr. Singleton and Judge Hancock. He told me that he would not join the democratic party, but that he was going to organize a Tilden reform club, and he thought the colored people in that county would go solid for Tilden. I never heard whether he did organize the club afterward or not; but our majority in that county was increased from three hundred to six hundred.

Q. He was a white man?—A. He was a white man and a man of some means. He had led the republican party over there. Then I came back through Newton, which is a white county.

Q. Newton has how large a white majority?—A. I do not know. I think there is at least six or seven hundred white majority, or twelve hundred. I do not remember. It is a large white county.

Q. State what you saw there.—A. I made a speech there. A good many colored people were out to hear it, and they seemed to be satisfied and pleased with my line of argument. Everything was peaceable. I will state that when I started out in this electoral canvass I invited, through the newspapers, my opponent, Judge George W. Cunningham, to joint discussion throughout the district. There were not a great many colored people in the county of Newton.

Q. Were there any indications of intimidation or violence, or was there good feeling between the whites and blacks?—A. O, perfectly good, it seemed to be.

Q. What other counties did you go into?—A. I went into Scott County. I spoke twice there at a place called Forest and a place called Morton. At Forest a good many colored people came out to hear me. It was not registration-day, but it was Saturday, and a good many people were in town. They said it was a larger colored audience than usual, and they expressed the confidence that almost all the colored people would go with them, though they had not done so the year before, that is in 1875, but they had a much larger colored vote that year than the year before. I then went out to Raleigh, in Smith County, but I think there are not more than one hundred colored votes in the county out of thirteen hundred. I spoke one night at Brandon by special invitation. It was out of my district. Then I went to Madison County, and made a speech at Canton. It was at night, and there was not a very large audience. There had been some entertainments in town for several nights; but the hall was pretty full. I suppose two or three dozen colored men were in the house; not a great many. It was nothing like a demonstration. It was just at night.

Q. What did you find to be the state of things as understood by them there?—A. They all said that everything was peaceable and quiet, and they thought that they would carry the county. The year before they had a compromise ticket in Madison County, in which the republicans had so many members, and the democrats so many.

Q. That is, a ticket where they put on republicans and democrats?—A. Yes, sir; a republican sheriff, and Pratt, a republican senator, and Jenkins for the legislature, and two white democrats for the legislature. One of the white democrats afterward died, and a colored democrat was elected in his place. Then I went back to my own county. Colonel Singleton was announced to speak. I went there for a day or two previously to filling some other appointments. Colonel Singleton spoke on the 18th, the day after I got there. I suppose there were some six or eight hundred, probably a thousand people there. The meeting was held in a very large building, a large warehouse.

Q. What proportion was colored?—A. I suppose fully one-half of them were colored people. After that I went up into Holmes County and made a speech at Lexington. There were a good many colored people there.

By Mr. MITCHELL:

Q. When was this meeting in your county?—A. The 18th of October.

By Mr. KERNAN:

Q. Colonel Singleton spoke there?—A. Yes, sir.

Q. What was the tenor of his argument?—A. His speech was addressed mostly to the colored people. Some of the white people complained that he did not speak for their benefit.

Q. What was the line of his argument?—A. The line of his argument was, of course, from a democratic standpoint, to expose the administration and its management of affairs. Parties always differ about these things, of course. He said all that a democrat would naturally say.

Q. Was it kind and conciliatory toward the colored men, or otherwise?—A. He showed what the democratic legislature had done; how they had reduced taxes and given them one month's schooling.

Q. More than they had before?—A. More than they had before; and that there was a much better feeling prevailing between the two races than at any time since reconstruction; to all of which they gave an enthusiastic assent. They had a very enthusiastic meeting. That was just the line of his argument. He spoke of the interest of white men and colored men in Mississippi; that it was identical, and that they should work together; that this thing of proscribing southern white men from office was wrong.

Q. Was there any unpleasant circumstance there at all?—A. Not at all. There were a good many colored people, white people, ladies, and all, out. They gave the colonel a grand ovation.

Q. What other counties did you go to?—A. That makes ten counties. I do not know of any other counties except my own. I came back then.

Q. You went to Holmes?—A. I went to Holmes, and came back. I could not go into Leake; my wife was sick.

Q. Did you attend a meeting in Holmes?—A. Yes, sir; I made a speech there.

Q. What was the state of feeling there?—A. Perfectly friendly; nothing like intimidation. I met Mr. Caradine and others, from Bee Lake, who told me they had a club of 300—250 colored voters and 50 democratic.

By Mr. MITCHELL:

Q. Who told you that?—A. S. G. Caradine, president of the club.

Q. Where does he live?—A. On Bee Lake.

Q. In what county?—A. Holmes County; he told me he thought Holmes would beat Yazoo that time and give a larger democratic majority than Yazoo. We were talking about the way the canvass was conducted. I went from Lexington to Durant, in the same county, where I had an appointment the next day. I went that evening. I was to have spoken the next day. I did not speak there, because on the day previous Ex-Governor Powers, former republican governor of our State, and a man by the name of Beck, from Alabama, had had a joint discussion, and democrats and republicans had turned out to it. I talked to some of the leading men there, and they said that two meetings in two days was a little too much, and I did not have anything to say.

By Mr. KERNAN:

Q. That goes through your counties?—A. No, sir; Leake County I did not go into at all.

Q. These other counties you went into?—A. These other counties I went into.

Q. In going around in that way did you see any of these processions on horseback, or on foot, with colored men with them in uniform or not?—A. No, sir; I did not see any, except at Morton; I believe the democratic club there turned out.

Q. How was it there?—A. They had colored men in that as well as white men, with red shirts; the uniform they had was just red shirts.

Q. That was the only place?—A. That was the only place. Colonel Singleton had just gone through the district about ten days before I did.

Q. Were the colored men enthusiastic at the meetings?—A. Yes, sir; as much so as the white men. I wish to say that I canvassed three beats in my county thoroughly within ten days before the election; that I spoke every night, and spoke to colored men principally, and they were enthusiastic and earnest supporters of the democratic party. In fact, I took occasion in a few remarks that I made in Yazoo City, following Colonel Singleton when he was there, to say that the colored democrats of Yazoo County were making the white people ashamed of themselves by the enthusiasm and energy they were displaying. The first club that was organized in 1876 in Yazoo County was organized exclusively as a colored club.

Q. With colored officers?—A. With colored officers entirely. It was in the neighborhood of the plantation I owned. I am not living there now, but formerly lived there.

Q. According to your information and knowledge was it a free and fair election in those ten counties you were in?—A. Yes, sir; according to my knowledge, in those ten counties the election of 1876 was a free and fair election. Of course, I cannot say anything except of Yazoo City of my own knowledge; understand that.

Q. I understand; but give your judgment.—A. My judgment is that there was a free and fair election, and I believe in all the counties there were some republican votes polled.

Q. Do you know of your own knowledge a single instance, in the election of 1876, of intimidation or violence or threats toward colored men this last year?—A. I do not recollect a single instance that I encountered at all during my canvass of 1876, where there were any threats or violence on the part of the democrats toward the colored people or anybody else.

WASHINGTON, *January* 20, 1877.

W. D. GIBBS'S examination continued.

By Mr. MITCHELL:

Question. In what county is Vicksburgh?—Answer. Warren County.

Q. I think I understood you to say that in the year 1875 you had very little knowledge of the condition of political matters in Mississippi, except in the county of Yazoo?—A. Yes; except the general knowledge which I said I had derived from attending the State conventions.

Q. You have been taking quite a prominent part in politics in your own county for many years?—A. Ever since 1868. Before the war, before I was 21, I had a little to do with politics.

Q. What is your age now?—A. I am 37.

Q. Did you take any part in the war?—A. Yes, sir.

Q. What?—A. I was a private soldier in Wirt Adams's regiment of Mississippi cavalry.

Q. In the confederate service?—A. Yes, sir.

Q. You fought through the war?—A. Yes, sir; I was in prison the latter part of it.

Q. Where?—A. Camp Morton, Indiana.

Q. How long were you there?—A. About fifteen months.

Q. When were you discharged?—A. In January or February, 1865.

Q. Since the war you have been taking quite a prominent part in politics?—A. In my county I was a prominent democrat. I was living in the country, and politics usually centers in town, you know.

Q. You are a planter?—A. I am a planter and lawyer. I did not practice law regularly since the war until last year.

Q. Do you carry on an extensive plantation?—A. I work from thirty to fifty hands generally.

Q. Are these all colored men?—A. Yes, sir; all colored men.

Q. How long have these men been working for you?—A. Most of them were my former slaves; a great proportion of them were.

Q. They vote the democratic ticket?—A. Yes, sir; some of them have always voted it.

Q. They all voted the democratic ticket last year?—A. They all voted it in 1875 and 1876.

By Mr. KERNAN:

Q. Before that about how did they vote?—A. It depended a good deal on the interest I took in the election myself. Some elections I took very little interest in, and some I took a good deal of interest in, and electioneered with them, and then there were more votes for the democratic candidates.

By Mr. MITCHELL:

Q. Have you the same men working for you now that you had two years ago?—A. Principally the same. A good many of them rent land. Within the last year I sent to Alabama and got some hands.

Q. You made some changes?—A. I made changes. Some of my hands got able to buy land.

Q. You discharged some and got others?—A. I cannot say that I discharged them. Hands move about sometimes. I lost seven hands; they accumulated money enough to buy land, and moved on land of their own.

Q. When was that?—A. Last year, 1876.

Q. About what time in 1876 did they leave you?—A. They left me on

the 1st of January. They had purchased the land before. I had a large family to leave me in 1875. They did not leave me, however, because I sold them a part of my place.

By Mr. TELLER:

Q. You sold them a piece of land?—A. I sold them a piece of land, and they quit working for me and went to working their own land.

By Mr. MITCHELL:

Q. Since January, 1875, how many have left you?—A. Probably five or six; more than that, counting women and children; probably as many as ten.

Q. You hired others in their places?—A. Yes, sir; I hired others in their places. I rented land to others.

Q. Where did those who left you go?—A. They went around the neighborhood among my neighbors.

Q. They secured service at other places?—A. Yes, sir; they secured service at other places. They very often get tired of one man and move away, and rent land from another; but they do not generally move much out of the same neighborhood.

Q. You say you attended the State convention?—A. Yes, sir.

Q. In 1875?—A. Yes, sir.

Q. Where was that held?—A. The big State convention, as we call it, was held in August, in Jackson. The tax-payers' convention was held in January, 1875, in Jackson; and there was a special call for a convention, which I attended, and that was held at Vicksburgh, April 10, 1875. There were really four State conventions that year in my State.

Q. Did you attend the democratic State convention in 1868?—A. There were two democratic conventions that year; or rather there was a convention called by the constitutional-union party in January, 1868.

Mr. MITCHELL. I refer to the platform adopted by the State convention the 15th of January, 1868.

Mr. KERNAN. Name the place, and the witness can answer.

Mr. MITCHELL. I do not know where it was held myself. At Jackson, Miss., I think.

The WITNESS. I was in that convention.

Q. (By Mr. MITCHELL.) You took part in it?—A. Part of the time. I withdrew from it. There was a little squabble.

Q. You took part in its proceedings?—A. Up to a certain point.

Q. There was a squabble?—A. Yes, sir.

Q. What was the point of difficulty?—A. There was just a squabble whether we should organize as a national democratic party, or whether we should retain the name of the constitutional-union party, under which we had pursued the non-action policy in 1867. The county convention that sent me there had been called as a constitutional-union convention, and when the proceedings got to the point where they changed the name, the delegation from Yazoo, under instruction, withdrew from the convention; but we afterward supported the candidates.

Q. That is what I was going to ask you about. You afterward supported the candidates and the platform adopted?—A. I suppose you might say the platform adopted.

Q. You gave adhesion to the platform adopted?—A. Yes, sir. George L. Potter, chairman of the constitutional-union committee, recommended that there should be no division, and we supported the democratic can-

didates nominated afterward. There were no democratic candidate nominated at that convention.

Q. I ask you if the following is not one of the resolutions of that platform adopted by the democratic party of Mississippi, on the 15th of January, 1868, which you say you supported:

Resolved, That the nefarious design of the republican party in Congress to place the white men of the Southern States under the governmental control of their late slaves, and degrading the Caucasian race as the inferior of the African negro, is a crime against the civilization of the age, which has only to be mentioned to be scorned by all intelligent men, and we therefore call upon the people of Mississippi to vindicate alike the superiority of their race over the negro and their political power, and to maintain constitutional liberty.

A. I do not recollect that it was or was not. I presume it would not be published unless it was a part of the platform. It has been so long ago, you know.

Q. What is your recollection about it?—A. My recollection is that I was opposed at that time to the reconstruction of the State of Mississippi under the reconstruction act of March, 1867, and the constitution that was adopted by the constitutional convention that was held and terminated its labors in 1868. In other words, I took part in the canvass against what was known as the disfranchising constitution adopted under the reconstruction acts.

Q. The policy of the party at that time was what was known as the white-line policy, was it not?—A. It had not taken that name at that time. The policy of the white people generally of Mississippi in 1868 was to vote down the disfranchising constitution in hopes that we would have better arrangements afterwards from the Federal Government. That was the policy.

Q. You say you took no part in politics in 1875 except in your own county?—A. Not at the polls, except as a delegate. I did not make a speech except at Vicksburgh and at the State convention.

Q. I was going to ask you did you make a speech at Vicksburgh?—A. Yes, sir.

Q. When did you make that speech?—A. April 17, I think.

Q. In 1875? A. Yes, sir.

Q. How did you come to make that speech?—A. There was a difference of opinion in our State as to whether the national democracy should be recognized or whether there should be a political contest as tax-payers. I advocated the re-organization of the national democracy. At Meridian the democratic party had adjourned without appointing any executive committee, and the party was considered to be disorganized.

Q. This was a democratic meeting at Vicksburgh?—A. Yes, sir; a democratic meeting.

Q. Were there many there?—A. No, sir; not a great many.

By Mr. KERNAN:

Q. Was it a delegated meeting or a mass-meeting?—A. It was a delegated meeting.

By Mr. MITCHELL:

Q. From all parts of the State?—A. I suppose seven or eight, or probably ten, counties were represented there.

Q. Who else spoke besides yourself?—A. I was the only one who made a speech.

Q. Was that speech published?—A. It was published.

Q. What was it published in?—A. In the Vicksburgh Herald.

Q. In the Vicksburgh Herald at that time?—A. Yes, sir.

Q. Have you a copy of that speech?—A. I have not; I do not think I ever preserved a copy of it.

Q. Do you recollect the tenor of your remarks on that occasion?—A. Yes, sir; I recollect my general argument.

Q. I do not want the speech repeated here, but give the general tenor, in a few words, of that speech. What did you counsel?—A. I counseled the re-organization of the national democratic party in Mississippi, as such, and opposed the organization of any conservative-republican party or anything of that sort. I took the ground that at that stage of politics we could carry the State, and that it was necessary that we should make the effort.

Q. What line of policy did you advocate that should be adopted and pursued after you had thus organized?—A. I did not indicate any line except that we should organize. I took the ground that there were in the State 75,000 white voters, which, with the colored voters that would go with them, (the white voters controlling all the property and constituting all the intelligence,) could win a victory on a broad, liberal platform, and I afterwards indorsed the liberal platform that was adopted at Jackson in August.

Q. Did you in substance in that speech counsel a resort to violence?—A. No, sir; I did not.

Q. You would be surprised if a copy of the speech were produced which should contain anything looking in that direction?—A. Yes, sir; I should be surprised if any speech of mine was produced that indicated any violence to be used in carrying the election.

Q. What did you say on the subject of the right of the negroes to vote?—A. I did not object to their right to vote. I have never objected to that since 1868. In fact, the democratic party in the election of 1868 pledged themselves to the colored people that if they would vote down that disfranchising clause (and I was one of the parties that made the pledge) we would stand by their right to vote.

Q. What did you say in that speech about the fourteenth and fifteenth amendments to the Constitution of the United States?—A. I said they were adopted and a part of the Constitution, if I said anything about them at all.

Q. Are you certain of that?—A. I am certain of that, because that is my idea.

Q. Would you be positive that in that speech you counseled acquiescence in those amendments?—A. I do not know that I said anything about it; but if I said anything about it, I must have counseled acquiescence, because I was in the Baltimore convention and indorsed the platform under which Greeley was nominated.

Q. How many republican votes, all told, were cast in the State of Mississippi in 1872?—A. [Producing a book.] I can refer to a table here that was produced before the Boutwell investigating committee. I do not know of my own knowledge. It is certified to, I believe, by the secretary of state, James Hill, and they report 82,406 for President in 1872.

By Mr. KERNAN:

Q. For whom?—A. For Grant.

By Mr. MITCHELL:

Q. For the Grant electors?—A. For the Grant electors.

By Mr. KERNAN:

Q. Have you the vote for the Greeley electors before you?—A. Yes, sir; it was 47,287.

By Mr. MITCHELL:

Q. What was the republican vote in Mississippi in 1876?—A. I cannot tell you. I have not the returns before me and I do not remember.

Q. Do you know about the whole republican vote?—A. I have heard since I came here about the particulars of it. I have got it filed away. I just filed the paper, with a copy of the return, away without paying any particular attention to the figures; but I believe they say there were about 160,000 votes cast, and the democratic majority was about 55,000 for their electors. That is my recollection.

Q. I beg pardon. I did not hear you.—A. I understand that in 1876 there were about 160,000 votes cast, and my recollection is that the democratic majority on the electoral ticket was about 55,000.

Q. That would leave the republican vote about how much?—A. I cannot tell you just now.

By Mr. KERNAN:

Q. Something over 50,000?—A. Something over 50,000.

By Mr. MITCHELL:

Q. There were about 30,000 republican votes cast in the State of Mississippi in the election of 1876 less than in the election of 1872.—A. Yes, sir; according to that. Of course I do not state those figures as positive. I have heard more about it really since I came here than I ever knew before.

Q. What was the attitude of the people in your county in 1867 on reconstruction questions?—A. They were divided. Some of them favored reconstruction under the act of Congress.

Q. Some of them?—A. Some.

Q. How many?—A. I have no means of knowing, because really I had my views and I did not take any interest in the question.

Q. What was your attitude on the question at that time?—A. I think as well as I can recollect that I was rather in favor of President Johnson's policy. I did not have much to do with politics. I favored the non-action policy. You know in the reconstruction act there was a clause which provided that unless a majority of the registered votes were cast the act was not to have effect; and I just did not vote; that was all.

Q. I refer now to the native whites, or those who resided in the State of Mississippi before the war, and ask you what number of the whites voted for the calling of the constitutional convention of 1867?—A. I do not know. I know it was very few.

Q. About how many?—A. I saw it stated in the testimony before Boutwell's committee that there were only three who voted for it.

Q. Only three?—A. I think that is it.

Q. In the whole State?—A. In the county. I believe that is what Colonel Morgan states in Boutwell's committee report, but really I have no knowledge on that score whatever. I did not go about the polls, and did not take any interest at all. The first State convention I ever attended was in 1868.

Q. About how many in the whole State of this class voted at that election?—A. I do not know; I think a very small proportion.

Q. About what number voted against it of this class to which I have called your attention?—A. I do not think there were a great many who voted against it. The non-action policy was pursued there.

Q. Why did not more vote?—A. Because of the clause in that act which provided that a majority of the voters had to vote in the election in order to make the reconstruction act operative, and they just pursued

what we called the non-action policy; they just staid away from the polls.

Q. They took that means of defeating it?—A. They took that means of defeating it.

Q. Had you a republican organization in the county prior to that date?—A. Prior to 1867?

Q. Yes, sir.—A. No, sir; we did not have any republican organization prior to 1867.

Q. How did the republicans vote on that question?—A. On the question of a convention?

Q. Yes, sir.—A. I think they voted in favor of it. There were three tickets in our county, I remember.

Q. How many tickets were in the field?—A. Colonel Morgan and a man named C. W. Clark, and a colored man by the name of Bill Leonard, were known as independent republicans. There may have been a regular republican organization for all I know. Elliott and Howell, northern men, claimed to be the regulars, and Captain Johnson and Captain Sublett and another democrat ran on what was known, not as the democratic ticket, for it had not taken that name, but I suppose you might call it that.

Q. About how large a vote was cast in the county on that question?—A. I have no idea; I do not remember. I remember there were a great many disfranchised, and there was no interest taken in the election.

Q. Were all these votes by colored men?—A. I suppose the great mass of the voters for the convention were colored men.

Q. What was the attitude of the whites towards the colored people at that time?—A. In what way do you mean?

Q. Politically, or any way.—A. Politically, so far as I know, the white people of the State generally took the same position on the reconstruction acts that President Johnson took on the subject; that is, that the reconstruction acts were not constitutional. They took that position then, and they were generally opposed to the reconstruction of the State in that way.

Q. What do you know about any military organizations in your county at this last election, in 1876?—A. I know of some, I suppose you might call them military organizations; they were at least semi-military in character.

Q. How many were there in your county?—A. I cannot tell; but I will explain to you the origin of them.

Q. We must hurry along as rapidly as possible. I do not ask you about their origin, but how many were there in your county, if you know, during the last election, in 1876?—A. I do not know of any in 1876.

Q. You do not know of any military organization there in 1876?—A. No, sir, I do not.

Q. Or in 1875?—A. There were eight or ten, I suppose, throughout the county in 1875.

Q. In the county?—A. Yes, sir; I do not know how many exactly.

Q. About how many men composed each organization?—A. I suppose from twenty to fifty. I do not know of any except my own beat. You know I was living in the country in 1875.

Q. Were these organizations armed?—A. Yes, they had pistols and shot-guns, as every man, white and black, in Mississippi has. Some of them sent off and got some Winchesters.

Q. Did they have captains and lieutenants? They had their offi-

cers?—A. They generally had captains; I do not think they had any other officers.

Q. They drilled?—A. No sir, they did not drill.

Q. Are you an officer of a grange?—A. Yes, sir.

Q. Were you an officer of a grange at this last election?—A. Yes, sir.

Q. What officer?—A. I was county lecturer of the grange.

Q. In your county?—A. Yes, sir.

Q. How many grange societies were there in your county?—A. There were fourteen, but they were purely non-political; politics was not allowed to be discussed within the grange.

Q. Were they composed of whites, principally?—A. Yes, sir, all whites.

Q. Were there any colored men in them?—A. No, sir. They were agricultural societies, such as are over all the Northwest and North.

Q. What became of these military organizations that were there in 1875?—A. They were merely temporary, gotten up in expectation of what we would call a general rising and arming of the negroes. When the difficulty passed off, and the question was settled in the militia matter with Governor Ames, they disbanded.

Q. Who was master of your county grange in 1873?—A. I do not know that we had a county grange that early; we had subordinate granges.

Q. Well, in 1875?—A. Allen M. Hicks was master of the county grange.

Q. Was not Dr. Fugitt master in 1873?—A. My recollection is that the national grange did not permit the organization of a county grange until the latter part of 1873, or in 1874.

Q. Do you not know of Dr. Fugitt being master of the grange there?—A. He was master of a grange, a subordinate grange.

Q. Do you know that he was removed?—A. No, sir.

Q. You do not know anything about that?—A. I know his term of office expired, and another was elected in his place; he was never master of the county grange that I heard of.

Q. In what neighborhoods in your county were those granges established?—A. We had one on Silver Creek; we had one over on Tokeba Bayou; we had one in Yazoo City; we had one in Satartia, and one at Dover; they were scattered all over the county.

Q. Were there not about as many of these granges last year as there were military companies in 1875 in your county?—A. I do not know about that.

Q. They were composed of the same men?—A. No, sir; not by any means.

Q. Principally?—A. I suppose that half of the white men in Yazoo County, outside of the town, belonged to the granges. In the town hardly anybody belongs to them; they are strictly organizations for agricultural purposes, and the country people, that is the farmers, generally belong to the grange.

Q. Who began the arming of the whites in your county and when?—A. The first of anything like a military organization in our county after the war was begun in my own neighborhood.

Q. When?—A. In 1874.

Q. Why was this done?—A. There was a very exciting election going on at Vicksburgh, and we heard from undoubted authority, in fact from colored people themselves, that there were runners to establish organizations of colored people for the purpose of marching to the assistance of Vicksburgh. On Sunday morning I received a request from a neighbor

to come to his house. I went over there, and he stated that he had information, and how he got it, (that is, he named the colored men who told him,) that there had been a meeting of colored people the previous Saturday evening. This neighbor of mine had a large store, and for weeks, or for several days at least, previous the negroes had been buying buckshot, and there was no game to be shot with buckshot at that season of the year, and he suggested that the neighbors should take some action in the matter. Monday evening I suppose there were fifteen or twenty of the neighbors, planters, who met and formed an organization; but, if you will excuse me, I will read the very declaration—it is very short—under which it was organized, and I would like to make this part of my evidence:

We, the undersigned, citizens of Yazoo County, residing in the vicinity of Richardson's store, hearing from undoubted sources that the colored people of the neighborhood, influenced by reports brought to them by runners sent out from Vicksburgh, are organizing with intentions threatening the safety of the white people of the community, deem some organization necessary to provide for our safety in any event, and to provide further to preserve the peace and dignity of the State, disclaiming any intention of doing anything inconsistent with our earnest desire to preserve the peace; and disclaiming, further, any intention to interfere with the rights and privileges of the colored race, we form the organization and agree to stand by each other in carrying out the objects above stated.

That was on Monday, and I suppose there were twenty of them. There was a peace officer there and a magistrate in that body.

Q. Were the negroes arming?—A. That was our information.

Q. I ask you as a matter of fact if the negroes were arming?—A. They are always armed. They were buying buckshot.

Q. Where did you know of any negroes buying buckshot?—A. They were buying buckshot at this store.

Q. What store?—A. Richardson's store.

Q. Did you ever see a negro buying buckshot there?—A. No; I never saw it, but the clerk told me and the proprietor told me.

Q. When did the proprietor tell you?—A. He told me when I was called over there.

Q. How many negroes did he say had bought buckshot there?—A. He did not state any number.

Q. Did he say one or two?—A. He did not say one or two; he said generally they were inquiring for buckshot.

Q. Did you ask him how many negroes had bought buckshot there?—A. I did not.

Q. And he did not state how many?—A. He did not state the number. It was enough to have attracted his suspicions.

Q. Was he a democrat?—A. Yes, sir; he was a white man, but he did not take a great deal of interest in politics.

Q. You know of no colored men organizing or arming at that time, of your own knowledge?—A. I will state——

Q. Of your own knowledge you do not know anything of that kind?—A. I do not know what you would call of my own knowledge. I know what the colored men told us Tuesday morning.

Q. I am not asking what the colored people told you; I ask if you know of any colored military organization in that county at any time since the war, and if so, when and where, and who were the officers?—A. I do not know of my own knowledge, because I did not belong to the Loyal League myself.

By Mr. TELLER:

Q. That was not a military organization?—A. Well, the members were generally armed.

By Mr. MITCHELL:

Q. You do not mean to say that the Loyal League were armed?—A. I mean to say that the colored people generally possessed arms to a greater extent than white people.

Q. But you do not mean to say that the organization which you refer to as the Loyal League was an armed organization?—A. I do not mean to say of my own knowledge; I have heard it.

Q. Has there been any colored military organization in your county since the war, to your knowledge, for any purpose whatever?—A. Not to my own knowledge.

Q. When was the Satartia trouble that you spoke of yesterday? Fix the date of that.—A. I can do it, I believe, by referring to the testimony of Mr. Emery.

Q. About what time; in what year?—A. It was in 1875; I think in September they began their registration.

Q. Were you there at the time of that difficulty?—A. No, sir.

Q. What caused that difficulty? What was the commencement of it, if you know?—A. Do you mean the commencement of the riot below Satartia, the riot at the Ewing place?

Q. The commencement of the trouble in the first place; what caused it?—A. I do not know of my own knowledge what caused the trouble.

Q. Registers were there at that time, I believe, holding registration?—A. Yes, sir.

Q. What was the inception of the difficulty, if you know?—A. I do not know of my own knowledge.

Q. Did you hear?—A. Yes, sir; I heard.

Q. What did you hear?—A. I read Mr. Emery's testimony here in the Boutwell report.

Q. What did you hear it was?—A. I heard that there was a sort of mock or sham fight between Captain Bob Johnson and Captain Dickson at one end of the town. I suppose it was out of that that there was a difficulty, and some of the colored people left the grounds, and Captain Johnson told them to go back and register, and they said they had been interfered with in the registration in some way. That is what I heard to be the origin of the difficulty.

Q. Who were these men that had the mock fight, whites?—A. I see from the testimony in the Boutwell report that it was Captain Johnson and Henry Dickson.

Q. Two white men?—A. Yes, sir.

Q. Two democrats?—A. Yes, sir.

Q. What was done? When the colored people came away from the place of registering you say Captain Johnson ordered them to go back?—A. He told them to go back. That is what I heard.

Q. I will ask if these two men were not the democratic challengers of registration?—A. I do not know.

Q. Did the negroes go back when they were advised or ordered to go back by Johnson?—A. I heard that some of them did and some of them did not.

Q. What was done then?—A. That was the end of it, as I understood.

Q. Was there any shooting there at that time?—A. Not shooting at the colored people or anything of the sort.

Q. What next happened, according to your information?—A. My information is that the next occurrence was this row that they had on the Ewing place. I think it was that night.

Q. How did that occur; who commenced that, who were there, and how did the difficulty begin?—A. Mind you I am stating this on hearsay.

Q. How do you understand it commenced? Give your understanding of the affair.—A. I will tell, then, what I heard at that time, and I heard it from different directions.

Q. State what you heard at that time.—A. What I know I can swear to, and what I do not know is a matter of opinion.

Q. Go on.—A. I understood that word came to Satartia that the colored people were gathering there in numbers for the purpose of coming up and burning the town.

Q. Who brought you that word, do you know?—A. I do not know who brought it. It was said that these men volunteered to go down there and see what was going on at the Ewing place, to find out whether it was true or not.

Q. What men do you refer to by these men?—A. These men I referred to in my examination in chief, Mabling and Charley Rose, formerly a deputy of Colonel Morgan, a man by the name of Montgomery, and a man by the name of Slingerlang.

Q. White men?—A. White men.

Q. Democrats?—A. Yes, sir; I suppose so.

Q. How many of them?—A. Perhaps there was another, but I do not remember his name. It strikes me there were five, but I remember only four.

Q. How far was this from Satartia?—A. About two miles.

Q. What time in the night did they go, do you know?—A. No, sir; I do not. It was early in the night, I think.

By Mr. KERNAN:

Q. You heard this?—A. I do not know that I ever heard what time they went down.

By Mr. MITCHELL:

Q. What was your understanding of what took place when they went down there? Whom did they find there?—A. My understanding was that they found a large body of armed colored people collected in the Ewing quarter.

Q. How many armed colored people do you understand were there?—A. I heard it variously estimated. Those things are always exaggerated to a greater or lesser extent, but I judged there were seventy-five or one hundred from what I heard. There might not have been so many.

Q. What took place there?—A. My information was that they went up to a fence on the outside of the quarter.

Q. These men who went down there?—A. These men who went down there, and when they were discovered they were fired on.

Q. Did these white men have arms when they went down?—A. Three of them had pistols, or four of them. I think there was one gun in the crowd, which was not discharged at all. Doctor Mabling had a gun, but it was not discharged.

Q. They went down to near where these men were, near the place?—A. Yes, sir; that is my information.

Q. And the firing commenced?—A. And the firing commenced.

Q. How many were killed or hurt?—A. Of the white people, this man Charley Rose was shot through the arm. He afterward died from

it. Mabling was shot through the arm. Those were the only two that were struck.

Q. Was this near the bluff of the river?—A. Right near the bluff.

Q. Was it on the bluff?—A. It was right near it. I have not been there since the occurrence, but I was there before, and from what they told me I know it was right near the bluff. Now let me go on and tell about it. I understood that there was a colored man wounded in the shoulder in the *mêlée*, and that there was the body of a colored man found in the river. This man Rose claimed, as I understand, that he shot the colored man found in the river, but there were no bullet-holes found in him, and the general supposition was that he was drowned.

Q What was this Ewing place, a plantation?—A. A plantation.

Q. A good many colored men were employed on that plantation?—A. Yes, sir.

Q. Was this where they staid; was this their home, their lodging?—A. Yes, sir.

Q. This was their quarters?—A. Yes, sir; their quarters.

Q. You do not know, then, of your own knowledge, that they were armed at all, or that there was any disturbance that they made?—A. Of my own knowledge, I do not know that the affair occurred at all.

Q. What do you know about Henry Dickson going back to Yazoo and getting a company of armed men and taking them down by boat?—A. I only know from hearsay.

Q. What did you hear about that?—A. That evening, after the registration, Dickson (I see him called captain in the testimony; he is not called a captain there, but Henry Dickson) went back to Yazoo City and got there next morning. The word was sent from Satartia that the negroes were going to burn the town and that he should bring some men down to help them out. Satartia is situated right on the banks of the river, and there is a large preponderance of colored population there. That is what I heard, and that there was a boat lying there, and he came down on it and went immediately back. Before he came down everything had become quiet.

Q. Did he take armed men with him?—A. I did not see them.

Q. That was the report?—A. That was the report, and I suppose there were armed men with him.

Q. How many?—A. I suppose 8 or 10.

Q. That was before the difficulty at the Ewing place?—A. No, sir; after the difficulty at the Ewing place.

Q. The next day?—A. The next day. The boat came down and got there during the day, and then went back.

By Mr. KERNAN:

Q. What did Dickson do with his men that he went down with?—A. He went down to Satartia, and when he found everything quiet he went back to Yazoo City. He did not go out into the country at all.

By Mr. MITCHELL:

Q. Do you not know that H. L. Taylor's force of cavalry was brought there and that the laborers of Mr. Ewing were entirely dispersed and broken up?—A. I said in my examination-in-chief that Taylor's company came down there.

Q. When did they come with reference to the time of this disturbance?—A. They came down the next morning after the shooting.

Q. How many of them came down there?—A. As I told you, I went back. I was with another body of men. I did not see Captain Taylor's men there with him at all, except a few of them.

Q. What did they do down there?—A. When they got down there it was reported that these colored men were in the swamp.

Q. What were they doing in the swamp; hiding?—A. Hiding, I suppose.

Q. What did Captain Taylor's men do?—A. They went down there, but did not find them, and they came back and went to their homes.

Q. This was one of the military organizations now that you have spoken of?—A. Yes, sir.

Q. The sum and substance, if I understand your testimony, is this, that before this registration was over at Satartia there was some kind of an excitement gotten up between these two white democrats, they having what they called a mock fight?—A. That is what I understand.

Q. That created an excitement among the negroes, and they fled from the registration, and that was the end of the difficulty then?—A. Yes, sir.

Q. That night after the registration was over some five democrats went down to this plantation?

By Mr. KERNAN:

Q. Then there came rumors that there was a gathering of negroes down there?—A. Yes, sir; this is all rumor. I do not state anything of my own knowledge.

By Mr. MITCHELL:

Q. Then these five white men, armed, went down to this negro plantation?—Yes, sir.

Q. The result was this shooting, and some men were killed?—A. Yes, sir.

Q. And the others were run into the river; that was about the amount of it?—A. Yes, sir.

Q. And the next day a company of cavalry went down?—A. Several companies went down at the request of the citizens of Satartia.

Q. And they found the negroes in the same way?—A. Yes, sir; and they then went back home without harming anybody or disturbing anybody, as I understood.

Q. You say that reports and rumors came that the negroes were arming and were going to burn the town, and all that kind of thing. Did you ever know of negroes there burning any town?—A. No, sir; but I have heard of their threatening to do it.

Q. You heard they threatened?—A. Whenever they threatened, the white people always got ready to prevent it.

By Mr. TELLER:

Q. You heard of threats?—A. Yes, sir; I heard of threats.

By Mr. MITCHELL:

Q. Did you hear yourself? Did you hear any threat made to you, or in your presence, to do an injury to any mortal man or his property by a colored man?—A. No, sir; I never had a man tell me he was going to burn a house or do anything of that sort.

Q. Do you know of the negroes ever burning a house or a town within your knowledge, or by hearsay, since the war in your county?—A. Not in my county.

Q. Did you hear of them any place else in your State?—A. I do not remember now, I will have to think about it; suppose I have heard of such things.

Q. Do you know Mr. Ewing, this planter?—A. Yes, sir.

Q. He is a democrat?—A. Yes, sir; he voted at the election of 1875, the first time he had voted since the war.

Q. I ask you if he did not denounce this whole transaction as a barbarous piece of business on the part of the white democrats, and denounce the men connected with it?—A. I cannot say that I ever heard him denounce them or use that word.

Q. What did you hear him say?—A. I know that he was very much displeased at it.

Q. He regarded it as an invasion of the rights of his men there, did he not?—A. I presume so, or else he would not have complained.

Q. Did he say at the same time that his men were peaceable and quiet and not disposed to interfere with any person, or words to that effect?—A. I have heard that he said so. I never heard him say so. The general understanding was that Mr. Ewing was displeased.

Q. That was the general understanding?—A. Yes, sir; that was just the general understanding.

By Mr. TELLER:

Q. He did not think there was any occasion for alarm on the part of the whites?—A. I suppose that was the position. I never heard him say anything about it. I have seen him very frequently since, but he never discussed the matter with me at all.

By Mr. MITCHELL:

Q. Do you know anything about the manner in which the election was conducted in the two counties of Claiborne and Jefferson.—A. Nothing whatever, except what I have heard stated here by witnesses on the stand.

Q. You are not prepared to disprove what has been testified to here?—A. I am not prepared to disprove it, because it was out of my electoral district. I never went down there and never noticed any statements about affairs there in the newspapers.

Q. In making this campaign in Colonel Singleton's district, of course you passed hastily from county to county, speaking once or twice in each county?—A. Yes, sir; speaking and talking to the leading men.

Q. How long were you engaged in the canvass?—A. I made some few speeches in my county as early as July, a few at picnics, and one thing and another; and I was engaged in the actual electoral canvass from the third of October to the seventh of November.

Q. You say your meetings were peaceable, orderly, and that there was no disturbance.—A. There was no disturbance.

Q. Did you ever know a democratic meeting in the State of Mississippi to be disturbed or interfered with by anybody at any time?—A. I do not remember of anything of that kind.

Q. In making this campaign you were not attending republican meetings.—A. No, sir; I was not. I invited my competitor to meet me, but he did not, and I went on.

Q. You spoke at your own meetings?—A. Yes, sir.

Q. You do not know, then, how much difficulty or trouble there was when republicans, as republicans, attempted to hold meetings in that district, even?—A. I do not know of my own knowledge.

Q. Did you attend any republican meetings in Colonel Singleton's district during the canvass of 1876?—A. No, I did not.

Q. You say at the convention in June, 1875, which you attended, there was a resolution to adopt the white-line movement, and it was voted down?—A. Yes, sir; I think it was in June. My recollection is it was in June.

Q. About how many were there ?—A. It was a pretty full convention, a couple of hundred.

Q. By what majority was it voted down ?—A. The vote was just viva voce, and the chairman decided it had been voted down. He decided that the ayes had it, and by a large preponderance, as I thought.

Q. By what ?—A. I think it was voted down by a large majority.

Q. What about this riot at Wilson's Hall, in September, 1875? Were you there ?—A. No, sir.

Q. You did not see that ?—A. I was not there until ten days or two weeks after. I do not know a thing of it of my own knowledge. That is fully examined in the Boutwell report.

Q. You say you voted at Dover ?—A. Yes, sir.

Q. Your hands all voted there ?—A. No, sir; I said a large proportion of my hands voted at Satartia. I carried five or six up there with me.

Q. You went up to Satartia yourself ?—A. No, sir; I went to Dover. Dover and Satartia are two different boxes in the beat I then resided in. They are about 18 miles apart. The largest proportion of my hands went to Satartia; but I went to Dover.

Q. You say that some circumstances occurred which resulted in Colonel Morgan leaving the county ?—A. Yes, sir.

Q. What do you know about that ?—A. I only know what I heard, the general rumor.

Q. This was in your own county ?—A. Yes, sir.

Q. Colonel Morgan was sheriff ?—A. Yes, sir.

Q. How long had he been sheriff there ?—A. He was elected, I believe, in 1873; his term of office began January, 1874.

Q. He was a republican ?—A. He was a republican. There were some circumstances that occurred, I believe, that prevented him from running the office in person until about April or May.

Q. When did these circumstances happen that prevented him from being there ?—A. In April or May, 1874, he took charge of the office in person.

By Mr. KERNAN:

Q. Did he cease to exercise the office after that ?—A. No, sir. I say he was to have taken his seat the 1st of January, 1874; but there were some circumstances occurred that prevented his taking his seat.

By Mr. MITCHELL:

Q. What were they ?—A. It was the killing of Hilliard with which he was charged. He was committed, and afterward removed to Jackson, and afterward discharged by Chancellor Walton, and then took charge of the office in person.

Q. Who was Hilliard ?—A. Hilliard was the person who ran against Colonel Morgan in the election of 1873 and was defeated.

Q. Do you know anything about the circumstances, of your own knowledge ?—A. No, sir; I do not of my own knowledge. It came out of the judicial investigation, but I do not know anything about it of my own knowledge.

Q. Which party supported Hilliard in the election ?—A. I suppose the most of the votes he got were democratic votes, but they were a few that I do not consider that he was supported by anybody. I know I did not vote for him; it was just his family and a few who supported him.

Q. By what majority was Colonel Morgan elected ?—A. It was seventeen or eighteen hundred, I think; I do not remember. It was a large

majority. There was a democrat running independently, by the name of Mangum, and I think he got about the same vote that Hilliard got. There might have been some few democrats supporting Hilliard, but he was not considered in any sense a democratic candidate.

Q. Did it not appear in the investigation that this man Hilliard came to Sheriff Morgan's office with a mob and broke the door open and broke in? Was not that the way the trouble commenced?—A. I do not remember to have examined the testimony clearly enough to state that. I think there is a witness here from the adjoining county who was living there then, Mr. Gwinn, who, I believe, appeared in the case and knows more about it. I was not living in Yazoo City at the time, and I cannot state definitely what was drawn out on the evidence. Colonel Morgan, I know, was legally and lawfully the sheriff of Yazoo County; I believe that.

Q. He was acquitted of all blame?—A. I believe he was discharged on bail by the chancellor. I have heard that he was pardoned by the governor; but I do not know that it is true. I have heard also that he has been indicted by a grand jury since, and I do not know how true that is. These are mere rumors.

Q. You said S. B. Canton, of Holmes County, told you about having a club of two hundred and fifty colored men?—A. Caradine.

Q. Where does he live?—A. On Bee Lake.

Q. Did you see his club?—A. No, sir; I did not see it.

Q. You never attended the club?—A. No, sir; I did not. Colonel Singleton spoke there, and he knows more about it than I do. I only heard him say so, and I heard others say so who did see them.

Q. In the discussion of these white-line resolutions that you have referred to, you advocated the adoption of those resolutions, did you not?—A. No, sir; I opposed the eighth resolution.

Q. What was the eighth resolution?—A. The eighth resolution was that the democratic party would support only white men for office in the future. I opposed it, and it was voted down.

By Mr. KERNAN:

Q. In other words, that one resolution was not adopted?—A. It was not adopted in our county.

By Mr. MITCHELL:

Q. I will ask you if this is not a report of that meeting, published in the Yazoo City Herald, a democratic paper:

In this connection it might be proper to remark that upon the reading of one of the resolutions declaratory of the intention of the democracy of the State to nominate and elect in future none but white men of unquestioned fidelity to our social and political faith, and of undoubted honesty and capacity, to all offices in the gift of the people, as a means of effecting reform of existing abuses, a lively debate was inaugurated, which was participated in by Judge Bowman, Capt. J. M. Clark, Hon. W. D. Gibbs, J. C. Prewett, Judge Hudson, and Capt. J. M. Sublett, each of whom did the cause he espoused ample justice.

After a somewhat protracted debate, the resolution in question was eliminated, the vote on it being very close, and for a long time in even scales the balance hung.

Is that a correct report of that meeting?—A. No, sir; I do not consider that it is. I think the vote was very close.

Q. This report appears to be signed by A. M. Hicks, chairman, and McCullom, secretary of the meeting.—A. I suppose they were chairman and secretary of the meeting.

Q. They were the chairman and secretary of the meeting?—A. Yes, sir.

By Mr. TELLER:

Q. That is the report of the meeting given at that time in a democratic paper?—A. Yes, sir.

Q. And you differ with it?—A. My recollection is that the vote was pretty close.

By Mr. MITCHELL:

Q. Did not both the democratic papers in the town support the white-line resolution, and express regrets that it had been voted down in that club?—A. I believe they did.

By Mr. KERNAN:

Q. Give the total vote of Yazoo County in 1872, 1873, 1875, and 1876. I think you have only given majorities, or something of that kind. What was the total vote, if you have it?—A. I take this from the certificate of the secretary of state. You will find it in the report of the Boutwell investigation.

Q. What was the total vote of 1872?—A. Three thousand three hundred and fifty-five.

Q. Of 1873?—A. Three thousand two hundred and twenty-six.

Q. Of 1875?—A. Four thousand and forty-two.

Q. Can you give 1876?—A. It was about 3,800. I cannot give the exact figures, but it was about that.

Q. What was the republican vote in 1869 in Mississippi, if you know?—A. These figures are taken from authentic sources. In 1869 the republican vote was 76,186, and in 1875 it was 67,171.

Q. What do you say as to the manner in which the registration was conducted, so far as you have knowledge or reliable information, in 1875 and 1876—fair or unfair?—A. I saw some of the registration, and the president of the board of registrars, Major J. R. Bell, staid with me while he was in Yazoo City registering. From all the information I have and from what he told me it was a fair and full registration. There were over 4,900 voters registered. I am speaking of 1876. You see, it was a new registration in 1876. In 1875 it was a mere revision; those who moved in got their papers and those who had lost their papers got others. Under the new law no papers were required, but everybody had to register again. I know the democratic papers advocated a full registration, and I believe it was as full and fair a registration as was possible.

Q. What was the character of the State taxation in 1875 and 1876?—A. The county taxation was generally double what the State taxation was. I will just give the figures and the increase.

Q. Just give what it was.—A. The State tax in 1870 was five mills, on the dollar; in 1871 it was three mills; bond tax one mill, making four mills; in 1872 it was eight and a half mills; in 1873 it was twelve and a half mills on the dollar. This is State taxation. There was in 1874 fourteen mills; in 1875 it was nine and a quarter mills; and in 1876 six and a half mills. They just fixed the State tax by law, and allowed the county supervisors to levy so much tax. Of course, county taxes and special taxes were very much greater in our county. It was about twenty-five mills on the dollar, I believe, in 1874.

Q. Including both, or only the county tax?—A. State, county, school, and everything.

Q. What do you know, if you know anything, from any republican leader, in reference to their policy in 1875 against the republicans voting, or any portion of them?—A. The former chairman, and I suppose

he is chairman now, of the republican executive committee, W. S. G. Bedwell, told me himself that he had advised and should advise all republicans to abstain from voting.

Q. In 1876?—A. In 1876.

Q. When did he tell you that, before or after the election?—A. Before the election.

Q. What do you say as to the feeling in your State among your people, among the democrats residing there, the people resident there, as to persons coming in from the North for business purposes?—A. The feeling of the southern people towards the northern people coming there for legitimate business purposes is as cordial as it would be in any country that needs capital and labor and business-men as much as we do. I know of northern men there, whom I could mention, who stand as high in the community as any southern man, no matter how long he has lived there or where he was born.

Q. At this time what is the feeling between the white and colored voters? I do not mean to take extreme politicians, but the mass of the white and colored voters.—A. The feeling between the two races is better now than it ever has been, I might say, since the close of the war, and is daily growing better. That is my observation, and I have taken a great deal of pains in finding that out. Necessarily this is the case, because if there is any people in the world interested in living on good terms with the colored people it is the white people of the South.

Q. What was about the difference between the white and black vote in Mississippi in 1876?—A. According to the census of 1870 and a calculation based on that, it is between seven and ten thousand.

Q. In favor of the colored people?—A. In favor of the colored voters. I have made the calculation, and it is here. I think there is a colored majority of about ten thousand in Mississippi.

By Mr. MITCHELL:

Q. You mean of the voting population?—A. Of the voting population.

By Mr. KERNAN:

Q. Do the colored people in Mississippi, so far as your own observation extends, in your neighborhood and adjacent places, generally keep shot-guns?—A. Yes, sir; that is my observation.

Q. How as to pistols?—A. Generally, when they are able, they buy pistols. You see them very often working in the fields with their pistols swung to them. For the last eight years, in attending political meetings, I have seen them very often carrying their guns even, as well as their pistols. Right after the war every black man that I knew tried to get a gun; and very naturally, too, for they had been prohibited from having arms when they were slaves.

Q. Were they not solicitous to get pistols and guns after the war?—A. Yes, sir; that was their feeling. I am satisfied there are a great many more arms in the hands of the colored people of Yazoo County than in the hands of the white people, because there is a majority of colored people in our county.

By Mr. MITCHELL:

Q. These are squirrel-guns?—A. Yes, sir; and nine-tenths of the white people have only squirrel-guns.

Q. Do the colored people have any Winchester rifles or anything of that kind?—A. No, sir.

By Mr. KERNAN:

Q. In your county, to what extent have they Winchester rifles and these superior arms?—A. Judging from what I have heard, I do not suppose in the county of Yazoo there are exceeding one hunderd Winchesters in the whole county. The amount has been greatly exaggerated.

Q. In your examination when you spoke of these military organizations in 1875, how were they armed; with ordinary arms, shot-guns and pistols, or with something else?—A. They were divided. Most of them had simply shot-guns and the pistols that are common in Mississippi. There were some who did not have arms, and sent off and got superior arms.

Q. To what extent did they get superior arms?—A. I cannot tell; a good many were brought in.

Q. What was the occasion of the formation of those clubs? Was it for political purposes, or something else?—A. No, sir; that was not my understanding. It was on account of the uncertain and unsettled state that grew out of the riot at Wilson's Hall.

Q. And the struggle between whom in politics, if that had anything to do with it?—A. It was not considered at that time as a political organization at all.

Q. It was for protection, owing to apprehension of disturbances or risings?—A. After Colonel Morgan went out of the county, we expected there would be a good deal of trouble with the colored people. He ran the concern and controlled them perfectly.

Q. As to these granges, were they at all political organizations?—A. They were not.

Q. They are like these western societies?—A. Exactly. We were under the direction of the National Grange, and there is no politics allowed to be discussed at our meetings.

Q. Did you ever know them to meet with arms or to carry arms?—A. No, sir; ladies belong to them.

Q. It was the agricultural or farming class who formed them?—A. The farming class.

Q. Do they have women as officers and members?—A. Yes, sir; four officers in every grange must be women.

Q. And the first military organization that was organized at all was in 1874?—A. Yes, sir; the first one after the war was in 1874. That was when the trouble occurred at Vicksburgh, and when it passed over, the whole thing fell through; that was the end of it.

Q. So far as you have knowledge or information were these companies organized for the purpose of coercing or affecting the votes of the colored men or other men?—A. They were just for the purpose stated. We apprehended that the colored men were going to move on Vicksburgh. We expected a big row between the races there. We were the adjoining county, and for that reason the organizations only existed in the end of the county next to Vicksburgh. We did not organize to go to Vicksburgh or anything of that sort. It was just an organization for self-protection. The colored people were brought up. We had a meeting—the colored people and white people. The whole matter was discussed and we pledged them that so long as they did not attempt to take their arms and go to Vicksburgh and participate in that difficulty we would stand perfectly easy, which we did; and in our neighborhood there was not a single colored man disturbed in his rights or privileges at all. It was in no sense a political organization.

Q. Did information come to you from colored people at that time of the arming among colored people?—A. That is the way the information

came. Whether it was entitled to credit or not was another question; we thought it was.

Q. You think that was the motive that led you to be apprehensive?—A. I know it was the motive of the occasion I speak of. Of course I was present, and there is no man in my county that has ever been more particular in dealing justly with colored people than I have.

Q. Was this a gathering at Ewing's plantation of the negroes who worked there, as you got the information then? Has the information communicated that it was only the negroes who were working on Mr. Ewing's plantation?—A. No, sir; it was reported that all of the men on the plantations for several miles around, and on the other side of the river, had assembled with arms. That was my information. I am only giving what I heard. It was reported that they came from the three Pardie plantations, a large place; that they came from Major Wilder's place, a large place, and from Bonney's place, and several others, and that they had crossed over from Templeton's and other places on the opposite side of the river.

By Mr. TELLER:

Q. That was the report?—A. That was the report.

Q. All of which turned out to be false?—A. I do not say that.

Q. You do not know that it was true?—A. I do not know that it was true.

By Mr. MITCHELL:

Q. You heard Mr. Ewing say that it was not true?—A. No, I did not hear him say that.

By Mr. TELLER:

Q. You heard him complain; he was dissatisfied?—A. Yes, sir; he was dissatisfied.

By Mr. KERNAN:

Q. Do you know that the result of the difficulty which arose, and this bringing of men down there to arrest them, did result in the negroes leaving Mr. Ewing or not?—A. Yes, sir; most of them left his place, and there was a great deal of financial damage done to him.

By Mr. TELLER:

Q. They were scattered through the country?—A. Yes, sir. I do not know that all of them left, but more or less of them went away. Now this is all my information; I do not know these things.

By Mr. KERNAN:

Q. But you did go down somewhere near there, and you had a magistrate with you?—A. We had a good many men with us, and they had arms. We had a deputy sheriff, Jim Hart, and a magistrate along.

Q. Was that with a view to investigate how this shooting arose?—A. Yes, sir; and with a view to capture these people legally and properly.

Q. If you found that any negroes had violated the law, as was the claim, you proposed to arrest them?—A. Yes, sir.

Q. And they had left and gone into the swamp, as you heard?—A. Yes, sir. We did not go into the swamp. We could not find them on the outside, and we went home.

Q. What year was this difficulty between Mr. Morgan and Mr. Hilliard?—A. In January, 1874.

Q. In January, after the election in which they were candidates?—A. Yes, sir.

Q. I think you made some remark in regard to it that it caused an apprehension of excitement and difficulty in your county?—A. Yes, sir; it did. I prefer not to state anything that is only rumor and reports in regard to that matter.

By Mr. MITCHELL:

Q. You say there was some complaint of taxation?—A. Yes, sir.

Q. Was not taxation lessened considerably during Ames's administration?—A. I have paid taxes every year, and I know during the administration I did not add anything to my worldly goods, and the tax was a little higher every year.

Q. On what amount do you pay taxes?—A. I do not remember the exact amount. I think the last tax I paid on my place and property there was about $328. I suppose it was on about $12,000 or $15,000. It was at the rate of twenty-five mills on the dollar. I think that was the taxation.

By Mr. KERNAN:

Q. Two and a half per cent. on the valuation?—A. Yes, sir.

Q. (By Mr. MITCHELL.) You have made a statement in regard to an increase of the State tax?—A. Yes, sir.

Q. I will ask you if one reason why it appeared to be an increase was not because a school-tax was included in the State tax?—A. I presume so.

Q. That had not been done before?—A. I think the school-tax commenced about 1871.

Q. Then one of the principal causes of the increase of taxes in the years you have stated when the taxes were increased was because a State school tax was levied?—A. Yes, sir.

Q. Of four mills?—A. Yes, sir.

Q. That was done by the republican party?—A. Yes, sir; they were in control from 1869 to 1875; whatever good was done they did, and whatever harm was done they did.

Q. I will ask you if a great many improvements were not made during that administration—the building of public buildings throughout the State?—A. I have heard that they repaired the capitol during the republican administration, and that they spent $40,000 in repairing the governor's mansion, and that on the lunatic asylum and some other things they spent a good deal of money.

Q. What about the building of the penitentiary?—A. I do not know what amount was expended on that; my impression is that Colonel Ed. Richardson has had charge of the convicts almost all the time since Gillem's administration; but I am not sufficiently conversant with the fact to say how much was voted out of the State treasury for that purpose.

Q. Has there been any change in the taxes since the democratic party came into power?—A. Yes, sir.

Q. How much?—A. They have limited the State and county taxes to 16½ mills, and cannot go beyond that; that is, county tax and everything.

Q. How much did they cut down the State tax, and by the reduction of what fund, do you know?—A. I do not know. I am not a member of the legislature.

Q. I will ask you if the democratic party has not abolished the State school-tax entirely since they came into power?—A. I do not know whether they have or not; but I know that they provided for keeping up the schools and provided one month more than before.

Q. You stated that the school-tax was collected under the republican administration?—A. Yes, sir.

Q. Do you not know that that has been abolished by the democratic administration?—A. I do not know it; it may have been. The last year of the republican administration they put the judicial expenses, I believe, with the exception of the salary of the district judge, on the counties, which had previously been paid by the State; and while there was an apparent reduction there was no real reduction of taxation.

By Mr. TELLER:

Q. What was the State tax in 1874? You gave it as fourteen mills, did you not?—A. I will have to refer to that.

Q. Have you got it here?—A. I have, in connection with this report.

Q. Look and see if, in 1874, the State tax was not fourteen mills, including bond-tax and school-tax.—A. Yes, sir; it was.

Q. In 1875, was it not reduced to nine mills and a quarter?—A. Yes, sir; but that reduction was wrought by shifting the judiciary.

Q. You said there was no change, did you not, in 1874?—A. I said there was a reduction, and, according to my understanding, that year the judiciary was changed.

Q. That was under Ames's administration of 1875?—A. Yes, sir.

By Mr. MITCHELL:

Q. Now it is limited to sixteen mills?—A. Sixteen mills for State, county, and special.

Mr. TELLER. That limitation, we all know, does not amount to anything, because whenever they cannot get what they want they immediately raise the assessment. I have seen that done often.

Q. (By Mr. MITCHELL.) During the two years that Mr. Morgan was sheriff in your county-taxes were reduced in about four years under republican administration, were they not, in your own county?—A. I do not remember any reduction of that sort.

Q. Would you say that there was not such a reduction there?—A. I would not say that there was not.

By Mr. KERNAN:

Q. When did you adopt the new constitution?—A. In 1869.

Q. Has there not been some change in reference to your schools by which they have appropriated in some way all the fines, forfeitures, license-moneys, and divers funds, with a provision that if that is insufficient to keep up the schools the rest shall be raised by the counties by taxation? Do you know whether that is so or not?—A. I think it is the law that licenses and fines go to the school-fund.

Q. When did that become the law?—A. I cannot say when it became the law.

By Mr. TELLER:

Q. Look and see what the State school tax was in 1874.—A. It was four mills.

Q. What was the total school-tax, State, and bond, of that year?—A. Nine mills and a quarter.

Q. Is there any school-tax for 1876?—A. Not a State school-tax.

Q. What is the State-tax now, without any school tax for 1876?—A. Six and a half mills.

Mr. TELLER. That makes the State tax one per cent. and a quarter more than it was under Ames.

WASHINGTON, *January* 22, 1877.

E. H. CRUMP sworn and examined.

By Mr. MITCHELL:

Question. Where were you born?—Answer. In Mississippi, near Holly Springs, Marshall County.

Q. What is your age?—A. Thirty-eight years of age.

Q. Where do you now live?—A. I live there, near Holly Springs, in Marshall County.

Q. How long have you lived there?—A. All my life.

Q. Were you in the army, and, if so, what army, during the late war?—A. I was in the confederate army, an officer in Morgan's command.

Q. In what position?—A. I was a lieutenant.

Q. Have you ever held an office, either State or national; and, if so, what?—A. Yes, sir; I held an office after the war. I was elected to the Mississippi legislature.

Q. When?—A. In 1871.

Q. Did you serve a term?—A. No, sir; my seat was contested and I was rejected.

Q. Have you held any other office?—A. No, sir.

Q. Was it contested by another republican?—A. Yes, sir.

Q. A contest between republicans?—A. Yes, sir.

Q. Are you a republican?—A. Yes, sir.

Q. How long have you belonged to the republican party?—A. I have claimed to be a conservative republican since 1869.

Q. What part did you take, if any, in that election of 1876?—A. I was appointed United States supervisor of election at the precinct called Hudsonville.

Q. In Marshall County?—A. In Marshall County.

Q. Did you attend that election?—A. Yes, sir; I was there.

Q. Who was the other supervisor?—A. His name was Richard Mahon; he was the democratic supervisor.

Q. What fraud, if any, was practiced where you were as supervisor?—A. I do not know whether it was an exact fraud; I had my suspicion in regard to it.

Q. State what took place, in detail, as briefly as you can.—A. The republicans had tickets printed different from the democrats. Their tickets had the figure-head of Hayes and Wheeler upon them, and it could be seen through the paper from the outside. I sat close to the ballot-box during the day, and witnessed the votes as they went in. My observation satisfied me conclusively that there were but a few democratic colored voters that went in there. The registered majority at that box was 99. Nine voters failed to come up.

Q. There were 90 cast?—A. There were 91, including myself. The registered colored or republican majority there was 99, taking the color-line as a basis. Nine of those voters failed to come up. I watched during the day, and my observation satisfied me, as I say, that there were but a few colored men who voted the democratic ticket; and they voted it straight out. They were known there.

Q. How many out of 90 colored men that did vote at that precinct cast democratic votes?—A. Four or five. I called the attention of the judges of the election there to the fact. I bantered them during the day, "Where are your democratic votes?" They boasted that they had from 15 to 20 votes there. I bantered them during the day; called their attention, and one of the judges of election opened the tickets as they went in, giving as his excuse for opening the ballots that he wanted to see whether there were two tickets.

Q. Why was that done?—A. Because we had an election for magistrate of the beat; and some of the ballots had this little ticket or ballot, the magistrate's ballot, in.

Q. How many registered votes in all were there in that precinct?—A. I believe there were between three hundred and four hundred.

Q. Cannot you come nearer than that?—A. I have not got the exact registered vote, but I think 343 was the actual vote cast. The registered vote was probably 352, and the actual vote cast was 343. I think these are the exact figures.

Q. You are not absolutely certain?—A. I think the republican vote was 193 and the democratic vote was 150.

Q. Are you not mistaken about the vote as cast in the precinct?—A. I do not think I am.

Q. Have you the vote with you?—A. No, sir; I have not, but I know exactly the registered majority.

Q. [Handing a paper to the witness.] Look at that paper and see if that states the registered vote and also the actual vote of Marshall County.—A. I find from this that the total registered vote of our precinct was 351. I put it 352, and I think I am right, too—352.

Q. One vote is immaterial. What was the actual vote cast in your precinct?—A. At Hudsonville, 343. I may be mistaken one.

Q. Now, of these 343 or 344 votes actually cast at this precinct, how many were republican and how many democratic, according to the final tally in the evening?—A. The judges of the election canvassed it at 150 Tilden or democratic, and 193 republican, the Hayes ticket. That gave us a republican majority of 43. The republicans claimed there that there was fraud perpetrated there, and I am satisfied in my own mind that there was.

Q. State your reasons.—A. I saw the tickets as they were put into the ballot-box, and the judge of election, who was a democrat, Dr. Heyer, opened the ballots as they went in, in order to see whether the magistrate's ticket was folded up in the regular presidential ballot. In opening in that way I saw it, and I bantered him as I went along. Said I, "Where are your democratic tickets? They are not coming in." He did not deny it.

Q. I understand you to state that this return as made by these judges in the evening is not the correct return of the votes actually cast at that precinct?—A. I do not think it is. That is my opinion.

Mr. KERNAN. I object to the witness giving his opinion about such a matter.

(Objection overruled.)

By Mr. MITCHELL:

Q. Wherein does it differ, in your judgment, from the actual vote cast?—A. As I was going on to say, I claimed, from my own observation there of the tickets as seen by me, that the colored men there, with five exceptions, voted the republican ticket.

Q. That you have stated?—A. Yes, sir. According to that, instead of a majority of 43 at that box, we were entitled to a majority of 80.

Q. You claimed, then, that there was a change in the votes there of 37 or about that?—A. About that. Now I will qualify that a little. There were five tickets found in the box afterward, with the heads of Hayes and Wheeler tacked on to democratic tickets. So that would make a difference of 10 more, making our majority there 70; and I always denounced those fellows that they had robbed us out of 25 votes, it was so transparent.

Mr. KERNAN. Just state the facts; you have already given your opinion.

Q. (By Mr. MITCHELL.) Do you know the whole vote cast in Marshall County at the late election?—A. It was about 6,400, I think, somewhere in the neighborhood of that.

Q. What was the majority for either party?—A. The Tilden party carried the county, I think, by about 230 majority.

Q. Do you know how that county went in 1872?—A. It went largely for Grant; I do not know what the majority was.

Q. About how much?—A. I think it went a thousand, if I am not mistaken.

Q. How was it in 1873?—A. In 1873, I think the head of the ticket, Captain Buckhanon, candidate for sheriff, was elected by about 1,200 majority.

Q. In 1875, what was the vote?—A. The democrats carried it in 1875 by, I think, 600 or 800.

Q. Do you know of any cases of intimidation practiced by democrats during the election of 1876, in Marshall County? If so, what were they?—A. I know what was common report there in Holly Springs.

Mr. KERNAN. You are asked if you know it; you are not asked about report.

The WITNESS. I did not see the men discharged; I know there were several porters and draymen there who were discharged.

Q. (By Mr. MITCHELL.) Did they tell you so?—A. The men themselves? No, sir; I heard it from the whites there, though, that they were discharged.

By Mr. TELLER:

Q. For voting the republican ticket?—A. Yes, sir; I can give the names of them.

By Mr. MITCHELL:

Q. Very well, let us have them.—A. Roberts was the party who discharged the colored draymen.

Q. A democrat?—A. A democrat; and a man by the name of Levy did the same thing.

Q. Did you hear them say anything about it?—A. No; I did not hear them. It is common report there, very well known.

Q. They were discharged on account of their politics?—A. They said so, I understood; I do not know that; I did not hear the parties say so themselves; but it was just common report there. They alleged that they did not intend to have a man in their employ unless he voted as they did.

Q. Was it the common statement of the democratic planters throughout the county that they would turn off hands who voted the republican ticket?—A. I have just heard them canvass and talk on that subject. It is very well known among the planters there that they feed them and employ them, and they consider it a great outrage that their counsel to their employés is not listened to. They just talked it among themselves that they did not intend to have men on their places unless they could control their votes.

Q. Has there been any perceptible voluntary change of political sentiment among the colored voting population of your county within the last year or two?—A. Very little. I think that they are natural republicans. That is my observation of them.

Q. What proportion of the colored people of your county will vote the republican ticket if left to a free choice?

(Mr. KERNAN objected to the question. Objection overruled.)

The WITNESS. About 98 per cent.

Q. (By Mr. MITCHELL.) What is the feeling, generally, of the democratic party of your section in relation to the right of the colored man to vote?—A. They think he is hardly qualified to vote.

Q. Are they disposed to protect him in the exercise of the elective franchise or not?—A. There seems to be a change of sentiment in regard to that lately—within the last year. I have heard them talk on the subject a great deal; and they say now that, since they have got control of the State, they are in favor of protecting the negroes in the right of suffrage. That increases their electoral power.

Q. Do they protect them?—A. If they vote the democratic ticket it is all right. He is a good voter.

Q. If they do not, what then?—A. Well, he is a very obnoxious man.

Q. Have you any knowledge of the campaign of 1876 outside of Marshall County?—A. Of course, only through information.

Q. You did not go out yourself into other counties during the campaign?—A. I went over into the adjoining county of Benton.

Q. What was the character of the speeches made by leading democrats during the campaigns of 1875 and 1876 there—the general tone of those you heard?—A. In 1875, I recollect one occasion. I was not an office-holder or office-seeker or running for any office. I attended a speech delivered by Senator Gordon, of Georgia. He had been heralded abroad there to make a speech on a certain day.

By Mr. TELLER:

Q. State where it was.—A. At Holly Springs.

By Mr. MITCHELL:

Q. When?—A. I think it was some time in the fall of 1875 he made a speech there; some were republicans, but the most of the crowd were ladies and gentlemen of the democratic party. I attended and I know I was very much impressed with one portion of his speech, in which he stated that exception had been taken to what he had said in Oxford, which is a neighboring town. Some republicans from my town had gone down there and listened to him and had denounced it, and some mutual friends had told Senator Gordon, so he stated, that it was very objectionable and not to make the speech in Holly Springs. He went on to say that he would not make the same speech in Holly Springs, but he would say what he said in Oxford, which was this, that if any lady was so unfortunate as to have married one of these home republicans he would advise her, and he hoped their friends would advise her, to go to the legislature and have her name changed and that of her children.

Q. If she married a republican?—A. Yes, sir.

Q. A home republican?—A. Yes, sir; I know I was very much outraged by the remark.

Q. What else do you remember that he said in that speech?—A. Well, sir, the whole speech was characterized by wholesale denunciations of the republicans and the republican party and administration, national and State, without qualification. That was the race between Alcorn and Ames, governor of the State. I was an Alcorn man; went there and took a little part in the convass as an Alcorn man. He, without qualification, included everybody.

Q. Was that speech of Senator Gordon's printed?—A. I do not think it was.

Q. What do you know, if anything, about republicans, either home

republicans or carpet-baggers, as they are called, being proscribed there, socially or otherwise, by the democrats?—A. That brings up the question of ostracism. I do not know that people are what you might say ostracised there. I know that Captain Buckhannon's experience there and my own has been at times of party contests rather unpleasant, but probably not more so than in other counties.

Q. Do you know General Yates Freeman?—A. Yes, sir.

Q. He is a democrat, I believe?—A. Yes, sir.

Q. State what you know about his hearing of the acts of assassination clubs in Yazoo County, referring to the democratic military clubs in that county.—A. I heard him on the streets there one day, in the presence of several parties, say—I do not know how the conversation came up, but I know I was very much shocked at the idea suggested by him when he denounced the assassination committee in Yazoo County. I understood from the tone of the conversation, the character of it, that there was such an organization there and he was denouncing it.

Q. What did he say?—A. It was brief, and probably he thought to himself that I was a republican, and he did not go into any extended conversation in regard to it.

Q. State as near as you can what he did say.—A. He was speaking to other parties. I was present. He said that he was opposed to such a thing as an assassination committee in any county, in the county of Yazoo. Now I say this, that I afterwards called the attention of some parties who were present and heard it to what Mr. Freeman had said there, and they said that they did not understand it in that way, so possibly I might have been mistaken—that is, in that way; that he might not have put it as broad as I have stated, that there were assassination committees in Yazoo County.

Q. This was in a private conversation, was it?—A. It was on the street there.

Q. Not in a public speech?—A. No.

Q. The rest of those present were democrats?—A. Yes, sir.

Q. They afterwards said they did not understand him to say what you understood him to say?—A. Yes, sir; I called the attention of these gentlemen afterwards, and possibly I might have been mistaken in what he did say. I will state further that I do not believe there are any men of intelligence that I come in contact with who would countenance anything of that sort.

By Mr. KERNAN:

Q. You mean among the intelligent democrats that you know?—A. Yes, sir.

By Mr. MITCHELL:

Q. Do you know Colonel Walton?—A. Yes, sir.

Q. Is he a republican?—A. Yes, sir; he was a candidate for Congress at the late election.

Q. In what district?—A. I believe it is the second district.

Q. Who was his competitor?—A. Col. Van H. Manning.

Q. Were you present when Colonel Walton and Colonel Manning, the two rival candidates for Congress at the late election, held a joint discussion at Holly Springs, during the late campaign?—A. Yes, sir; I attended there.

Q. Did you hear the discussion?—A. I did; I heard the speeches there.

Q. Did not Colonel Walton in that discussion charge Colonel Manning with having advised the murder of republicans, if necessary, and

did or did not Manning deny the charge?—A. I cannot say that he did say that. Colonel Walton charged upon Colonel Manning that in a debate at some point, I forget where, during the canvass, that if murder could be justified at all it would be to defeat the republican party.

By Mr. TELLER:

Q. That Manning had said so?—A. Yes; and Colonel Manning did not deny it.

By Mr. MITCHELL:

Q. Manning had said if murder could be justified at all it would be in defeating the republican party?—A. It would be to defeat the republican party.

Q. Colonel Walton charged, at Holly Springs, that Manning had said this at another place, and he did not deny it?—A. Yes, sir; he did not deny it in the rejoinder. I listened in the rejoinder for some denial of it.

By Mr. KERNAN:

Q. You were one of the supervisors. Was there another supervisor there?—A. Yes, sir; a man named Mahon.

Q. You were not the men who received the votes, but you were United States supervisors?—A. Exactly.

Q. How many men were receiving votes there?—A. Three.

Q. Two democrats and one republican?—A. They all voted the Tilden ticket.

Q. They were appointed by the county board?—A. By the county board.

Q. Do you know whether one of them had been a republican in the past at any time?—A. He had been considered a liberal man; he claims to be a conservative man.

Q. You do not say that you know there was fraud, but you think from certain circumstances that there was?—A. Yes, sir.

Q. And one of those grounds of suspicion is that you thought, from the observation you made of the tickets as they went in, that there were more republican tickets than came out. You thought the colored men mainly voted the republican ticket from the appearance of the ticket going in?—A. Yes, sir; I am almost satisfied of it.

Q. You judged from the difference in the appearance of the tickets, as I understand?—A. Yes, sir; the democratic ticket was printed on plain white paper, and the republican tickets had the figure-head of Hayes and Wheeler on the top.

Q. Did you keep any tally, or was it mere observation as they were putting in the votes?—A. It was just observation, and a very close observation, I should say.

Q. You remained at the poll all day?—A. Yes, sir.

Q. Your notion was that of these one hundred and ninety-three republican votes, how many white men were there voting at that precinct?—A. I was the only white man who voted the Hayes ticket.

Q. Therefore all the other republicans were colored men?—A. Yes, sir.

Q. How many of them were registered as colored men, if they were designated in that way?—A. According to the vote there as polled out, there were one hundred and ninety-three.

Q. But I wanted to get at how many black men were registered in that precinct, or can you not tell?—A. I do not know. I just know the majority there. The colored majority, taking it on the color-line, was

ninety-nine, and nine failed to come up and vote on account of sickness.

Q. By the color-line there would have been a colored majority of ninety-nine, you say?—A. Yes, sir.

Q. And nine of them failed to vote?—A. Yes, sir.

Q. When was the canvass made, or do you know—the counting of the votes there?—A. It commenced about dark.

Q. As soon as the polls closed?—A. Yes, sir; a little after.

Q. Did you and the other supervisor remain while they were counted?—A. Yes, sir.

Q. As counted out the votes were honestly counted, as I understand you?—A. I had my doubts about it.

Q. It was done in your presence and you had the right to see?—A. There is where my suspicions were aroused.

Q. But in point of fact did you discover anything wrong in the counting out that you could mention to me as a fact?—A. O, no; apparently it was all proper, but there were some suspicious circumstances attending it.

Q. You have given some?—A. I can give more.

Q. You and the other supervisor sat there while they counted the votes?—A. Yes, sir; I kept a tally-list, I being the only white republican there to watch the whole thing.

Q. I so understand, and you did watch?—A. I did watch it; I had to watch four men.

Q. As they counted the votes out, you did not discover but what they did it honestly? You did not see anything to the contrary, did you?—A. I saw some suspicious circumstances attending it.

Q. In the counting out?—A. The count apparently was fair.

Q. The counting out of the votes in the box?—A. Yes, sir.

Q. As far as you could see, that apparently was fair?—A. Yes, sir.

Q. If there was any suspicious circumstance about it after they counted them out, name it.—A. Well, sir, this: They had a long table. The ballot-box was a common box with a lid to it and a hole in the center. The box was at one end and the candles in front. I was at that end of the table, so. [Indicating.] The lid opened toward me. Here were the two judges sitting over here. [Indicating.] While the counting out was going on, I had colored men stationed there, [indicating,] to watch these parties, and I noticed that several active young fellows would take that colored man out and would be gone two or three minutes.

Q. Occasionally?—A. Occasionally. Finally, there was a loud report out of doors, and parties came in and said that a tree had fallen on Monroe's store and they ran out. The colored men all ran out to see what was the matter, and one or two parties, democrats, ran out to see what was the matter. They were gone three or four minutes. I had nobody to watch with me. I was sitting there to watch, and it struck me that they could have stuffed tickets behind there very easily.

Q. Did you say anything to them at the time—call their attention to anything suspicious while they were making the canvass?—A. No, sir; not while it was going on. As soon as it was over I told them——

Q. Now, wait. When they counted the votes, where did they put the counted votes?—A. They were strung on a string.

Q. That is, as they counted a vote they strung it on a string?—A. Yes, sir; gave it to another one of the judges who strung it, and then they had a clerk who tallied the vote as it was called out.

Q. The vote was strung on a string, and when they got through all

the votes were or ought to be strung on that string, I suppose?—A. Yes, sir.

Q. Had they the votes there on the table before them when they announced the result?—A. Yes, sir.

Q. Where did they put them then?—A. They were put back into the box.

Q. Fastened up?—A. Sealed up and sent in to the county board of registration.

Q. I believe I understand it now. They count them out and some one tallies what is called. The votes are then strung on a string. When they get through they put, or ought to put, all the votes back in the box, and seal it up?—A. Exactly.

Q. They announced the result, I suppose, when they got through?—A. O, yes. My tally and theirs was exact. I kept tally.

Q. Your tally corresponded with theirs?—A. Yes, sir.

Q. What, if anything, did you do by way of protest or remark about the unfairness?—A. I just remarked, "I will not sign any report that you send in, as United States supervisor." I said that to the democratic supervisor, but it only involved about twenty-five votes, and I wanted to see what the vote of the county would be before I would make any objection.

Q. If you stated anything more than that you would not sign it, to the men who had counted the vote, state it.—A. I told Dr. Heyer, who was a neighbor of mine, living about a hundred yards from me——

Q. Do you mean at the poll?—A. No; as I got on my horse and went home.

Q. That is all you said there at that time?—A. That is all.

Q. Of course if you are mistaken in supposing that all the colored men except five voted the democratic ticket, you might be mistaken in the result, you think. As I understand you, you assume, in your notion of what ought to be, that all but five of the colored men voted the republican ticket?—A. Well, sir, I do not think that I could be deceived in that.

Q. Just answer the question.—A. There were five tickets afterward found with these heads on.

Q. Did you suppose that any colored men voted the democratic ticket there?—A. O, yes.

Q. How many?—A. It was well known that five voted it openly, and they were outspoken in it.

Q. Then you assume, in giving estimate of what ought to have been the result, or what was the real result, that all the colored men but the five that did vote democratic, voted the republican ticket?—A. I do not think it was an assumption. I think it was almost knowledge.

Q. Just answer my question. If it was knowledge you can swear to it; but you have given opinion or belief. I ask it, in that opinion, if in that belief, you assume that all the colored men who voted except five voted the republican ticket?—A. Probably those five tickets were found there with these figure-heads.

Q. Just answer my question. In making your estimate of what you believe should have been the republican vote there, do you put it on the colored men all voting republican except the five that voted the democratic ticket and the nine who did not come to the poll?—A. Yes, sir.

Q. Now, about intimidation. Did you hear, at any time during this canvass, any colored man threatened by any democrat that he would be discharged if he did not vote the democratic ticket? Did you hear

any such threat made?—A. No, sir; I cannot say I ever heard a colored man open his mouth about it.

Q. Did you ever hear a white man threaten a colored man before his face to discharge him? If so, who was it?—A. I do not know that I could state positively, but it is just common talk there.

Q. I do not want common talk; I want you to answer me specifically. You say you have heard no white democrat or colored democrat threaten a colored republican with an intent to discharge him if he did not vote to suit the man speaking?—A. No, sir; I never heard any party say that to another.

Q. Before the election of 1876, did any colored man tell you that he had been threatened with discharge if he should vote the democratic ticket?—A. No, sir; I never heard him say it.

Q. Did any colored man, after the election, say he had been discharged on account of the vote he gave? Did any colored man himself tell you that he had been discharged on account of the vote he had given?—A. I do not think I ever heard any colored men say that; I only heard the white men themselves talk about it.

Q. How many white men did you ever hear say that they would discharge, or had discharged, a colored man on account of his vote? Just name those, if you remember such. State how many there were and who they were.—A. A man saying that he had discharged one?

Q. That he either had or would?—A. I can say that——

Q. Name the person you think of.—A. I cannot say, as I stated before, that I ever heard a white man say that he had discharged one. I only say that they, in my presence, had often said that they did not intend to have men on their places who ate their bread and worked their land and voted against them. That was common talk.

Q. How many men did you hear say that, speaking in reference to their own laborers?—A. I do not know that I can say; perhaps I have heard a hundred.

Q. Within what time?—A. That is the talk amongst them the last four or five years; ever since the republican party has been organized there.

Q. Take 1876, now; name the man, or men, you heard say that in 1876.—A. Well, sir, I have heard William Hull——

Q. Is he a merchant or planter?—A. A planter.

Q. Who else?—A. John Crump, a brother of mine.

Q. Is he a merchant or planter?—A. A planter.

Q. Who else do you remember?—A. Levi Roberts.

Q. Is he a planter or business man?—A. He is a livery stable keeper at Holly Springs, but has a farm.

Q. You heard him say so in 1876?—A. Yes, I think I heard him say so in 1876; I am certain I heard him say so in 1875.

Q. Who else do you remember?—A. I think I heard young Sam Boxley say the same thing. I have heard Dr. Heyer say the same thing.

Q. Any others?—A. I think I have heard a good many others say so.

Q. But you do not call them to mind?—A. It is just common talk.

Q. The talk is this: People say the men who work for them and whom they feed, they do not mean to keep if they do not vote their ticket; is that the substance of it?—A. Yes, sir.

Q. That is the sort of intimidation?—A. That is the intimidation.

Q. There has been a change, you say, within the last year in reference to the feeling toward colored voters among the democrats?—A. Yes, sir.

Q. In some of their public speeches they have said they were for protecting the colored man in his rights, in his right to vote, did they

not; and in private you have heard that said by democrats?—A. O, yes, they talk very fairly on the stump in regard to it. Now, I just want to give you the sentiment——

Mr. KERNAN. It takes too long.

Mr. MITCHELL. I should like to have it.

Mr. TELLER. Let us have it.

Mr. KERNAN. You must ask for it, gentlemen. [To the witness:] They consider, though, from one of your answers I infer, that they are very friendly to them if they vote with their party?—A. Yes, sir. I do not think there is any hostility to the negroes on the part of the southern white men, none in the world. They consider them good laborers; that is, intelligent men among them.

Q. (By Mr. KERNAN.) They want to get them to vote with them, do they not?—A. Yes, sir; and they resort to measures that I think are not right to do it.

Q. It is right enough as far as to seek to persuade them and coax them to do it?—A. Unquestionably, and it is to measures beyond that the opposition I make is.

Q. Now a word about this assassination club. What was the name of that man you heard talk on the street?—A. Young Yates Freeman. Possibly, I will state right here, I might have been mistaken about it.

Q. What you stated you did understand him to say, was that he denounced the existence of clubs, assuming that they did exist?—A. That was the impression on my mind.

Q. And you say you may be mistaken about that?—A. Yes, sir.

Q. He was simply denouncing there being any such thing at all?—A. No; the impression made on my mind was that there was such an organization in Yazoo County, and he was denouncing it. Now, I say, possibly I might have been mistaken about it, because I had a conversation afterwards with the parties who were present, and they did not look at it in the same light that I did.

Q. Was that the same day or soon after?—A. About a month after; we were talking about this question of violence and intimidation.

Q. When you spoke to them about it, they said they did not so understand it?—A. They did not understand it in that light.

Q. How far is Holly Springs from Yazoo County?—A. A good way—150 miles, I suppose. Yates Freeman lived in Grenada, just about halfway between Holly Springs and Yazoo.

Q. Walton charged Manning with saying that if murder was justified at all, it would be justified to beat the republican party. That is the substance of what you understood Mr. Walton to say, was it not?—A. Yes, sir.

Q. And that was in their discussion?—A. Yes, sir.

Q. He made no answer?—A. In his rejoinder he did not deny it.

Q. You did not understand him to charge Manning with saying that he justified murder, did you?—A. That was the impression on my mind, that if murder could be justified at all, it would be to defeat the republican party. It struck me in that way.

Q. Each party, I suppose, in the canvass, both of 1875 and 1876, denounced the other ticket pretty severely, did they not?—A. Yes, sir; very bitter.

Q. The democrats were charging maladministration upon the republicans in the State, were they not?—A. In the last election it was national.

Q. But I am speaking of 1875?—A. In 1875 they were denouncing——

Q. The way the republicans administered the State?—A. Yes, sir.

Q. Alcorn and Ames were then running?—A. Yes, sir.

Q. They had both acted as republicans, had they not?—A. Yes, sir.

Q. And there was this division, and the democrats were for Alcorn, were they not?—A. Yes, sir; and some republicans, myself among the number.

Q. And there was bitter denunciation back and forth of the parties?—A. Yes, sir.

Mr. TELLER. Senator Kernan, you have got that wrong. It was 1873 that Alcorn and Ames ran.

The WITNESS. It was 1873 when they ran.

Q. (By Mr. KERNAN.) But in 1875 the issue was made upon the condition of the State and the State policy, was it not, very much?—A. On the part of the democrats it was a wholesale denunciation of what was called the Ames government.

Q. And did some republicans also denounce the Ames administration of affairs in Mississippi?—A. Yes, sir. In my county there was a division of the republicans there.

By Mr. TELLER:

Q. You said you wanted to explain something of what the sentiment was about the voting, that Senator Kernan did not want. I understand Senator Kernan asked you about their feeling about the negro, and you started in to explain, and Senator Kernan stopped you?

Mr. KERNAN. He was going to give something about sentiment that I did not want to ask, because I thought it was not the fact.

Mr. TELLER. It was some explanation I suppose you wanted to make. You can now make it.

The WITNESS. The sentiment of the people there toward the colored man, as I say, is not hostile at all.

Q. (By Mr. TELLER.) Toward the men themselves?—A. Toward the men themselves.

Q. It is their politics they object to?—A. As I understand it, it is this: They concede that the colored man is naturally of right a republican. I do not think any intelligent man hardly in the South denies that. I know previous to 1875 none would have said that the colored man was anything else but a republican in his politics. Now the democrats there claim that the northern men, the adventurers as they call them, came there and manipulated the colored men against their interests, and they justified, as I understand in conversation with them, any act of violence on their part in that way, that anything was right and proper to get rid of such an element in politics as that.

By Mr. KERNAN:

Q. As these adventurers?—A. As these adventurers. Now, there are a great many northern men there who are good men, and honest men, and I think that they are honest in their profession, but the native whites there look with a feeling of jealousy upon them.

Q. The men you refer to take part in politics, I suppose?—A. These northern men take part in politics there.

Q. In a word, there is a feeling against these northern men that they call adventurers or carpet-baggers?—A. That is unquestionably so. They have a very hostile feeling toward them.

By Mr. MITCHELL:

Q. What do you know of any statements made by any democrats, judges of election or otherwise, at or about the time of election, in refer-

ence to United States marshals in case they attempted to exercise any duties?—A. I heard Dr. Heyer, who is judge of election there, say when the appointment was made—I believe I carried the appointment of the deputy marshal out to my precinct, and I told this man Dr. Heyer about it; he said it was useless, that if he attempted to exercise any authority there that day he would be knocked down.

Q. Is he a leading democratic politician?—A. Yes, sir; he stumped the county.

Q. Is he one of the judges of the election?—A. Yes, sir.

By Mr. KERNAN:

Q. It was claimed there that there was no constitutional right to appoint them?—A. Yes, sir.

Q. That was the point?—A. They looked upon what was known as the Taft order as being unlawful and unconstitutional, and they would disregard it.

Q. They agreed with a good many men up north in that. Do you not know by the public prints?—A. I saw it so stated.

Q. That was the view, that they thought he had no right to do it, and persons would interfere illegally who interfered under that order?—A. That was the idea.

Q. And they would resist him, he having no right?—A. That if this fellow appeared there they would knock him down as any outsider.

J. B. CESSOR sworn and examined.

By Mr. MITCHELL:

Question. Where were you born?—Answer. In Jefferson County, Mississippi.

Q. How long ago?—A. In 1834.

Q. Where do you reside now?—A. In the State of Mississippi.

Q. What county?—A. Jefferson County.

Q. What town?—A. Rodney.

Q. How long have you lived there?—A. I have been living there ever since 1859.

Q. What is your politics?—A. Republican; you can see that by my face.

Q. By the color of your face?—A. Yes, sir.

Q. I supposed as much. What official positions have you held in the State of Mississippi, if any?—A. I have occupied several positions. Under the appointment of the provisional governor, I was first appointed alderman of my town; then marshal.

Q. When were you alderman?—A. I cannot exactly recollect the date. I was appointed an alderman; I did not occupy the position very long. I resigned, and then I was appointed marshal, and I resigned that position.

Q. United States marshal?—A. No; marshal of the corporation. Then I was appointed as a member of the board of supervisors, which position I held up to the time of the election, when there was a new board elected.

Q. What year?—A. The new board, I think, was elected in 1870 or 1871.

Q. What other positions did you hold after that?—A. I was elected to the house of representatives of the State legislature.

Q. What year?—A. 1871, I think.

Q. Did you serve?—A. Yes, sir. At the next general election I was

again elected a member of the house of representatives, and I was subsequently elected the third time.

Q. Did you serve in the legislature the three terms?—A. Yes, sir.

Q. In all about six years?—A. Yes, sir; this makes the sixth year.

Q. Are you now a member of the legislature?—A. Yes, sir.

Q. When does your term expire?—A. With this session of the legislature.

Q. Where were you during the canvass of 1876?—A. I was in the State of Mississippi.

Q. Did you take part in the campaign?—A. Yes, sir.

Q. In what counties?—A. I did not leave my county of Jefferson. I confined myself to the county entirely.

Q. What part did you take, and in what way did you participate in the campaign?—A. I went through the county and made speeches in my way; helped to organize the party there.

Q. Do you know anything of the special election for sheriff in August, 1876, in Jefferson County?—A. I know something of that.

Q. State all you do know in regard to that; the character of the campaign for the special election of sheriff in August, 1876.—A. The first intimation I had that there was going to be a vigorous campaign on the part of the democrats, was that we held a meeting in Fayette, I don't recollect the date, and at that meeting I was called upon to address the people. I made a short address. When I got home, the next day I think it was after that, or a day or so after, I received a letter from some party unknown—there was no name signed to it—stating that I had been the means of carrying the county republican several years past, and that I must distinctly understand henceforward that I should have to confine myself to the truth, and I was not going to be allowed to lie to the negroes any longer. That was about the substance of the letter.

Q. Was there any name signed to it?—A. No, sir.

Q. How did you receive it?—A. Through the mail.

Q. This was the next day after you had made the speech at Fayette?—A. A day or so afterwards, after I had gone home. I received the letter when I got home. I live sixteen miles from there.

Q. Where was it posted?—A. At Fayette.

Q. Did you know the handwriting?—A. No, sir; I tried to find out, but could not do it.

Q. You could not discover who had written it?—A. No, sir.

Q. What else?—A. I showed this letter to the democrats there in Rodney, and asked the leading democrats there if they approved of any such plan as that; that I considered it intimidation. I did not know at what time I might be set upon by somebody and made away with. I was afraid of that. I asked Mr. Pintard, a very fair man, a democrat, if he approved any such letters as that. He said no, he did not approve the writing of any such letters, but I must understand that was the policy of the democratic party.

Q. Whom else did you counsel with about that letter?—A. I counseled with Capt. G. S. Jones.

Q. Is he a leading democrat?—A. Yes, sir.

Q. Did you show him the letter?—A. He is the law partner of Mr. Pintard. I showed him the letter, and he told me also that that letter went to prove what the democrats intended to do; and he spoke in this manner: "They intend to make you, Jim, tell the truth. Whenever you get on the stand to make a speech, you have got to tell the truth. We are not going to stand any more lies."

Q. Did he explain to you what he meant by "the truth"—what he understood "the truth" to be?—A. I asked him that question.

Q. What did he say?—A. Said I, "Captain, what do you propose that I must tell?" He said, "Nothing, simply, but the truth." "Well," said I, "who is to say what is the truth?" "Well," said he, "we are to be the judges of that."

Q. To whom else did you show that letter?—A. I showed it to a good many other persons, but the fact is, they were not leading democrats and did not pay much attention to it. I never heard one of them disapprove it, though.

Q. State whether you were present at a pole-raising or attempted pole-raising at a republican meeting at Rodney.—A. Yes.

Q. When was that?—A. I cannot tell you the date. I do not recollect any of the dates.

Q. What campaign was it in?—A. I recollect what occurred. It was this last campaign.

Q. Eighteen hundred and seventy-six?—A. In 1876.

Q. During the campaign of last fall?—A. Last fall.

Q. State what occurred there and all about it.—A. The republicans called a meeting there for the purpose of raising a pole. We wanted to collect money to pay for the flag, &c. The meeting was to take place on Saturday. Saturday morning came. A good many persons came to town, white and black, but nobody came there armed; everybody came there civilly, and I did not see anything unusual on the street at all. I met Mr. Pintard myself, and a friend of mine by the name of Landers met Mr. Pintard, and he wanted us to go over to his office, as he wished to talk with us.

Q. That was the morning of the meeting?—A. The morning we were to raise the pole. We went into his office, and he said to me, "Jim, I understand that the colored people are of the opinion that the democrats are not going to allow you to raise that pole to-day. I want you to understand there is no such thing on the part of the white people. There is nothing on the part of the white people that will deter you from raising that pole." "Well," said I, "Mr. Pintard, I never heard anything of that kind;" and I had not. I had not heard a word about it. He told us that we had better go to work and raise it whenever we got ready; and we did. We went to work and raised it without any trouble. There was no trouble about that.

By Mr. KERNAN:

Q. About what time did you raise the pole?—A. About 12 o'clock, I reckon. We called on Mr. Pintard to make a speech.

By Mr. MITCHELL:

Q. State what then occurred.—A. They had refused to allow me to make a speech at their democratic pole-raising, and we wanted to be a little more magnanimous than they were; and when we got our pole up and our flag flying, we called on Mr. Pintard to make a speech. He got up on the box and said he could not make a speech there; that he did not know what kind of a flag it was—whether it was a republican flag or a democratic flag.

Q. Was it the United States flag?—A. Yes, sir; and he got down.

By Mr. TELLER:

Q. Was nothing on it but the flag?—A. "Hayes and Wheeler" on the United States flag.

By Mr. MITCHELL:

Q. That was the end of the pole-raising?—A. That was the end of the pole-raising.

Q. What about the meeting?—A. We had no trouble there at that meeting at all. We made our speeches, and everybody went home well satisfied.

Q. Were you at the republican meeting at Dobbins' Bridge during the last campaign?—A. Yes, sir.

Q. State about when that was, and what occurred there, if anything?—A. I do not recollect the dates of any of these meetings.

Q. It was during the last campaign?—A. During the campaign.

Q. What occurred there?—A. We were called there together. I think I went out with Captain Pease or went out ahead of Captain Pease, and he came afterward. When we got there we saw that the democrats had taken charge of the meeting.

Q. That had been advertised as a republican meeting, exclusively?—A. Yes, sir; a republican meeting exclusively, as I understood it.

Q. What time in the day did you get there?—A. I got there, I suppose, between one and two o'clock in the day.

Q. What time was your meeting advertised for?—A. To take place at twelve o'clock or about twelve.

Q. What did you find when you got there?—A. I found democrats on the stand making speeches there. One democrat was making a speech. After he got through another democrat made a speech. I thought the feeling there existing was of such a nature that it would not guarantee safety for me to make a speech, and I would not attempt anything of that kind.

Q. You were advertised to speak?—A. Yes, sir.

Q. Who else was advertised to speak?—A. Merrimon Howard, Senator McClure, and Mr. Kern were expected to speak.

Q. All republicans?—A. Yes, sir.

Q. What kind of a crowd did you find there, how many and the character of them?—A. I found about three or four hundred colored people and a goodly number of white people; I believe pretty nearly as many white men as there were colored.

Q. Seven or eight hundred altogether?—A. I presume about that number.

Q. You were not there when the meeting commenced?—A. No, sir; I was not there when they commenced the meeting. Some one had made a speech before I got there; I do not recollect who it was.

Q. Can you state how the democrats came to have possession of the stand at that time?—A. I cannot state that. I do not know how they got in possession of it, but it was a very easy matter for the democrats to take the stand at a republican meeting in that county.

Q. Were they in the habit of doing it?—A. They were in the habit of going to republican meetings and asking for a division of time, and if they did not get a division there would not be much of a meeting there.

Q. Why?—A. The colored republicans became frightened and went off.

Q. What would frighten them?—A. They were actually afraid of the democrats.

Q. What did the democrats do there?—A. They proposed that if they remained as republicans they would do all in their power against them.

Q. When they would attend these meetings and demand a division of time and that was refused, how would these democrats conduct them-

selves at that particular time there; would they be turbulent and disorderly?—A. Yes, sir; but I have never known a meeting where they demanded a division of time but what they got it.

Q. Then what would they do?—A. They would make their speeches and in their speeches they would state openly that those who were not for them were against them and they were going to have the colored vote; that they intended to have the colored vote and they might just as well come and join their clubs, because they were going to have the vote anyhow.

Q. What was the tenor of the speeches? What intimations did they give out as to what would be done in the case the colored men did not vote the democratic ticket?—A. I do not know that they said anything worse than that. They said that they wanted them to vote, and wanted them to vote right, and that if they did not vote with their party they would beat them anyhow.

Q. Was the tone of their addresses in the nature of an appeal to the reason and judgment of these men?

Mr. KERNAN. He is intelligent; let him state the tenor or substance.

The WITNESS. In some instances, and in other instances they did not.

Q. (By Mr. MITCHELL.) What was the tone in other instances?—A. I heard one of the democratic orators there, who seemed to be a leading man, use this language, "That by God he was going to make the negroes vote their ticket."

Q. Was that in a public meeting?—A. In a public meeting and in a public speech.

Q. Where?—A. On the public street.

Q. Were many present?—A. There were a good many white people there, but very few colored people.

Q. Did he say how he was going to make them vote that ticket?—A. No, sir.

Q. At the meeting you were advertised to speak at, at Dobbin's Bridge, you went to the town, but did not speak, nor did any of the republicans?—A. No, sir.

Q. For the reason that you did not regard it as safe?—A. Yes, sir.

Q. Were you at the republican meeting at Fayette October 28?—A. When Mr. Lynch was advertised to speak? Yes, sir; I was there.

Q. State briefly what occurred there.—A. I did not see everything that did occur.

Q. If you did not see, I will not take up time by going into that. Were you supervisor of election at Roduey?—A. Yes, sir.

Q. What occurred there, if anything?—A. There was nothing particular occurred there, only I did not think the election was held in accordance with law.

Q. Why?—A. I believe the election-law in our State reads that the party presenting himself to vote may pass in at the front door and out of the back, or as near as practicable, and this election was held far differently. They placed a gentleman at the door, and the voter presented his ticket to the person who was at the door, and that person presented the ticket to the gentleman who had charge of the ballot-box, and he deposited it.

Q. Anything else?—A. Nothing unusual, except that.

Q. Are the colored men generally republicans?—A. Yes, sir; notoriously so in my county.

Q. What proportion of the colored men of your county would vote the democratic ticket if left to their voluntary choice?

Mr. KERNAN objected to that question.

(Objection overruled.)

The WITNESS. I do not think there is over twenty-five or thirty.

Q. (By Mr. MITCHELL.) In the whole voting population?—A. In the whole voting population.

Q. What is the whole vote in your county?—A. Two thousand nine hundred, blacks and whites together.

Q. About how many of those are colored?—A. About two-thirds of them or more.

Q. What was the result of the election in Jefferson County at the late election?—A. The democrats carried the election in that county by over a thousand. We had, heretofore, been carrying the county by from 1,400 to 1,800.

Q. Do you consider that the last election was a fair election in your county?—A. On the day of election——

Q. I do not mean the day of election. During the campaign was there a fair expression of political sentiment in that county?—A. No, sir.

Q. What was the reason, in a word, if you know?—A. It was the pressure that was brought about by the democratic party.

Q. Was it a voluntary change in political sentiment, or was it the result of intimidation and fraud?—A. It was the result of intimidation, I am satisfied.

Q. What would have been the result in your county provided there had been a full, fair, and free expression of opinion at the ballot-box?

Mr. KERNAN objected.

(Objection overruled.)

The WITNESS. We would have carried the county, as usual.

Q. (By Mr. KERNAN.) By about how many majority?—A. From 1,400 to 1,600.

Q. Do you know of democrats advising colored women and children to be withdrawn from the Fayette meeting?—A. I do not know that the democratic party did that.

Q. But democrats?—A. I only know that one of the leading democrats came to me and told me to tell a colored lady that she had better go away from that meeting. I asked him why. "Well," said he, "it does not make any difference; you tell her to go away from this meeting. I have got respect for her, if she is a negro." She was a schoolteacher, a respectable lady. Mr. Howard's daughter and several other young ladies were there.

Q. Did he give any further reason?—A. He only stated that they would have no respect for her there. I told him, "I will not go and tell her any such thing. She came of her own accord, and I am not going to tell her." Said he, "We will not have any respect for her if she stays."

Q. Do you know Merrimon Howard?—A. Yes, sir.

Q. How long have you known him?—A. Ever since 1859.

Q. Has he been a prominent republican politician in Jefferson County?—A. He has, ever since he was enfranchised.

Q. Has he taken an active part?—A. Yes, sir.

Q. Has he been sheriff of the county several times?—A. Yes, sir.

Q. Do you know anything of the cause that led to his fleeing the county two or three days before the last election?—A. I think it was a day or so before the election took place. There was some party that had been shot out there back of Fayette. I do not know this; this is from what I learn. Somebody had been shot out there back of Fayette,

and there was a squad—a sheriff's posse, I presume it was—went out to make an arrest, and they went to a meeting. I do not know whether it was a church or a political meeting; but I suppose they attempted to make some arrests there, and one of the party got shot. After that it was rumored through the county that Mr. Howard and Mr. McClure were the instigators of the attack.

Q. Rumored by whom?—A. By the democrats; but everybody was satisfied that Mr. Howard knew nothing of it. He had been sheriff there for three or four years.

Q. What was his reputation in that county?

Mr. KERNAN objected.

(Objection overruled.)

By Mr. MITCHELL:

Q. What was his standing in that county?—A. He was recognized by the democrats as the best sheriff we ever had. He was recognized always as an honest gentleman by both black and white. There is not a democrat in my county but would state to you, as I do, that he was recognized as a gentleman, as an honest man, and a good officer.

Q. It was rumored among the democrats, you say, a few days before the election, that Merrimon Howard had instigated the killing of this man?—A. Yes, sir.

Q. What followed?—A. Mr. Howard got notice of the fact—I believe some of his friends there came and told him—that he had made himself liable at any moment to be called out by a mob, and he just fled.

Q. Was there a general talk of a mob being organized?—A. I was not in the county. I understood there was.

Q. Do you know the fact that he did leave a few days before the election, and has never returned?—A. I knew that from letters I received from him.

Q. He left his family there?—A. Yes, sir. His family is there yet.

Q. He is the same gentleman who testified here the other day?—A. Yes, sir.

By Mr. KERNAN:

Q. Have you always been a free man, or were you once a slave?—A. I was born free.

Q. And always lived in Mississippi?—A. Yes, sir.

Q. You live in Jefferson County, I understand?—A. Yes, sir.

Q. And in the canvass of 1876 you made speeches at meetings through the county?—A. I made two or three I made two certainly. I made one at the solicitation of the democrats, I desire you to understand.

Q. You made one at the solicitation of the democrats. Was that at a democratic meeting?—A. No, sir; it was not a democratic meeting. If you will allow me, I will state how it occurred.

Q. There is nothing important about it that I know of. Do you know the fact whether at any time arguments have been used by zealous republican politicians to the colored men that if the democrats succeeded they were in danger of being put back into slavery?—A. I never heard it in my life from the stand.

Q. Did you ever hear such talk anywhere?—A. I have heard it on the street. I have heard democrats and republicans making use of the remark, but I never heard it made in republican speeches.

Q. That was talked freely on the streets, that there was such a danger?—A. Yes, sir.

Q. In 1876 did you attend some of the democratic public meetings?—A. I visited their meetings.

Q. Did they not make the canvass based upon the general idea that the interests of Mississippi, of the colored men who lived there and the white men who lived there, were the same and that they ought to go together?—A. O, yes; they have been saying that ever since the war.

Q. They did not go into it much before 1875, did they?—A. They have been saying it all the time.

Q. Have others urged them to the contrary?—A. I never thought so.

Q. That has been the line of the white democrats, urging that their interests were the same, and they ought to act together?—A. It has been the line of republicans, too, the very same thing.

Q. In 1876 did the democrats, to your knowledge, urge upon them that if they voted with them, or would vote with them, they should be protected in all their rights?—A. Yes; I am well aware of that fact.

Q. They did use such arguments?—A. Yes, sir; and the colored people understand it pretty well, too.

Q. I do not ask how they understand it; I want to know if they were talked to in that way?—A. They were talked to enough to make several of us kick out from there.

Q. What office do you now hold, if any?—A. I am yet, I presume, a member of the legislature.

Q. Have you ever held any United States office—marshal, or deputy marshal, or anything of that kind?—A. No, sir.

Q. At this pole-raising at Rodney, about how many colored people were there attending that meeting where you raised the pole during the entire day?—A. I cannot tell; it was on Saturday, and there were a great many people that came into town, not for the purpose of witnessing the pole-raising, but for the purpose of purchasing their week's rations.

Q. About how many colored men were in the town, do you think, that day?—A. Two or three hundred, I suppose.

Q. There were also white men there?—A. O, yes.

Q. And the meeting went off peaceably and quietly, as I understand?—A. All was peace and quiet.

Q. Who spoke?—A. Mr. Pintard made a short address and so did I. That was all.

Q. You were the republican speaker there?—A. Yes, sir.

Q. Was the other meeting you spoke of at Dobbin's Bridge, in Jefferson County?—A. Yes, sir.

Q. How far from Rodney?—A. About seven and a half miles, probably a little over that.

Q. Who was the president of that meeting?—A. I do not know; I was not there when they organized.

Q. Do you know whether it was a democrat or a republican?—A. A republican. I think Mr. Howard was chairman of the meeting.

Q. You think it was a republican who presided?—A. Yes; I think Mr. Howard presided.

Q. How large a meeting was that?—A. A pretty good meeting.

Q. Mainly colored?—A. Pretty nearly equally divided.

Q. Mr. Howard presided, and what democrats spoke there?—A. Mr. Truly was one; I do not know the other gentleman's name; he was a stranger to me; he had not been there long; he had established a paper.

Q. Who spoke besides Mr. Howard on the republican side?—A. Captain Pease.

Q. He was a republican; a colored man or white man?—A. A white man.

Q. I believe you said that the meeting passed off quietly?—A. Passed off quietly. There was a good deal of feeling existing there, though.

Q. But there was no violence or mob or demonstration?—A. I did not see anything of that sort.

Q. At how many republican meetings were you, besides the one at Dobbin's Bridge, where there was a claim or demand by the democrats to divide the time?—A. We did not have any meetings scarcely before the last election.

Q. Were you yourself at any others where there was a division of the time?—A. I was not. The campaign before that——

Q. But in 1876?—A. No, sir.

Q. This was the only one?—A. Yes.

Q. They were very urgent in their speeches to have the colored men vote with them, were they not, during the canvass of 1876?—A. Yes, sir; and very forcible.

Q. And they claimed that they were going to give a better State administration if they came in, did they not?—A. Yes, sir; they claimed that.

Q. At the meeting at Fayette, I believe, you were not present, you say?—A. I did not see the whole of that meeting.

Q. Now a few words about the manner of voting. Where were the votes received by the gentlemen who put them in the ballot-box; in what building?—A. They received them in an old store on the main street.

Q. They were in a store, and the door of the store opened on the street?—A. It led out on the street.

Q. How far from the door was the ballot-box?—A. I suppose about twelve feet.

Q. On what did it sit?—A. On an old counter.

Q. What do you call the persons who take the votes; supervisors of election?—A. I do not think he was supervisor. I think he was a sort of guard.

Q. What do you call the officers who should take the votes and put them in the ballot-box? Do you call them supervisors or judges?—A. We call them judges of election.

Q. Did the judges of election stand behind the counter?—A. Yes, sir; all three of the judges stood behind the counter.

Q. Was there a United States supervisor there?—A. Yes, sir.

Q. Where was he?—A. One was on one side of the counter and one on the other.

Q. One on the side toward the door and one on the inside?—A. Yes. If you will allow me I will state further that the democratic supervisors sometimes checked off, and I checked off the poll-book, and Captain Wright received the ballots. I was one of the supervisors.

Q. Were you a judge of the election and a United States supervisor?—A. Yes, sir; but I did not exercise the supervisor's office that day.

Q. You were both?—A. I do not know that I was, because I had not acknowledged.

Q. You were one of the three judges whose duty it was to receive the votes?—A. Yes, sir.

Q. You were there all day?—A. All day.

Q. As I understand, the voter did not come up to the counter and hand to one of the officers the vote?—A. No, sir.

Q. Who was the man who received the votes?—A. His name was Thomas Terrel, a gentleman who keeps a bar-room there. He was appointed as a guard, I presume. I could not call it anything else.

Q. Where did he stand?—A. He stood right in the door and placed a stick across the door.

Q. There was a stick across the door, and he stood inside and the voter came up and handed him his vote?—A. Yes, sir.

Q. And he turned and handed it to some one?—A. To Captain Wright, who had charge of the ballot-box.

Q. It was as though he stood here; the door was there; the ballot-box was back here, [indicating,] and he turned and handed it to the judge?—A. Yes, sir.

By Mr. MITCHELL:

Q. Some twelve feet distant from the voter?—A. I should judge that a man could reach his hand out that far [indicating] and receive the ticket. The man at the door would take it and hand it to him and pass it over.

By Mr. KERNAN:

Q. The man at the door stood within arm's length of the door, as I understand?—A. Right in the door.

Q. He would without moving his feet hand it the judge?—A. He changed often.

Q. Did he usually take the ticket and put it in the other hand and hand it? Is it true that he could hand it to the man at the ballot-box without moving?—A. I want to show you particularly how it was. I have stated that it was about twelve feet away; I presume it was.

Q. We have that down. Now, have you also stated that he took the vote from the voter in one hand and then changed it to the other, and reached it to the ballot-box?—A. Sometimes he did that, and sometimes he did not. He could turn around whenever he wanted to.

Q. And he could stand still and reach the vote to the ballot-box man?—A. He stepped back whenever he desired to reach the man who had the ballot-box. He would step back and give it to him.

Q. Did he not do it without stepping back?—A. Not very often.

Q. Sometimes?—A. Sometimes he did, and sometimes he went to the other side to do it.

Q. That was all in plain sight, I suppose, of all those who were at the ballot-box?—A. Yes, sir; and in plain sight of those who were outside.

Q. And you were at the ballot-box all day?—A. No; I was not. I had the poll-book checking off.

Q. How far were you from the ballot-box?—A. I could not see the ballot-box from where I was. I was sitting behind the gentleman who had charge of the ballot-box.

Q. I thought you were outside sometimes?—A. No; I never went outside the house.

Q. You were always inside the counter?—A. Yes, sir; always staid behind the counter.

Q. That is the way it was done all day?—A. Yes.

Q. Were you there when they made the canvass at that polling-place, or the counting of the votes?—A. Yes, sir.

Q. That was done that evening, I suppose?—A. Yes, sir.

By Mr. MITCHELL:

Q. You say the man who received the ballot from the voter was neither the judge of election, inspector, nor supervisor?—A. No, sir.

Q. He was a barkeeper in town?—A. Yes, sir.

Q. Who appointed him to do that business?—A. I cannot tell who

appointed him; I suppose the judges did. I did not have anything to do with it.

Q. Is there anything in your law that gives authority to appoint a man to receive the ballots?—A. Not that I am aware of.

Q. Of course there is provision for the appointment of inspectors?—A. Yes, sir.

Q. For the appointment of judges?—A. Yes, sir.

Q. And for the appointment of two supervisors?—A. Yes, sir.

Q. These are all the officers that the law, either State or national, recognizes?—A. He was none of them that I know of.

By Mr. KERNAN:

Q. He stood alone there inside, I suppose?—A. Yes, sir.

Q. Was that practiced all day as to all the voters?—A. Yes, sir.

By Mr. MITCHELL:

Q. He was a democrat, was he?—A. Yes, sir.

Q. Did he have a stick in his hand all day?—A. Yes, sir.

Q. What kind of a stick?—A. A great big hickory stick, such as that used in the South generally.

By Mr. KERNAN:

Q. There was no using of that on anybody that day, was there?—A. No, sir.

Q. I believe you said there was no disturbance at your precinct on that day?—A. None.

By Mr. MITCHELL:

Q. Was the location of matters such that the voters could see whether their votes were deposited after they were put in the hands of this man?—A. Yes, sir; they could.

WASHINGTON, *January* 22, 1877—7.30 p. m.

THOMAS T. SINGLETON sworn and examined.

[Hon. Otho R. Singleton examined the witness for Mr. Kernan.]

By Mr. SINGLETON:

Question. Where do you live and what is your profession?—Answer. I live in Canton, Madison County, Mississippi. By profession I am a lawyer.

Q. How long have you lived at Canton?—A. I have lived there something over twenty-seven years.

Q. Are you a native of that State and county?—A. I am; I was born in Madison County.

Q. Did you take any part in politics in the years 1875 and 1876? and, if so, state what part you took. Take the year 1875 first.—A. During the year 1875 I took some part in the canvass in the county, not outside of the county, however. I made several speeches in different portions of the county.

Q. Please tell the character of the speeches which you made, and the character of the speeches which you heard made, during that canvass; whether they were calculated to intimidate the voters or whether they were peaceful.—A. Such speeches as I made myself were of a conciliа-

tory character, addressed more to the reason and not to the fears of the colored population. The speeches that I heard made were of a similar nature. I would state that in 1875 there was in our county what was called a compromise ticket. That ticket was almost universally voted, and the parties running on the ticket were elected by a large majority.

Q. Was that ticket composed of candidates of both parties?—A. It was composed of republicans and democrats.

Q. Will you state the proportion of republicans and of democrats, as near as you can, on that ticket?—A. The larger proportion on the ticket were republicans.

Q. State, as near as you can, what offices the republicans ran for and for what offices the democrats ran.—A. The candidate for sheriff of the county was a republican, Capt. R. J. Ross. He had held the position of sheriff in our county for several years. The candidate for State senator was Capt. F. B. Pratt, who was also a republican, a northern man, who had come down there since the war, and he had been district attorney for some time previous. One of the candidates for the legislature was a colored man by the name of Jenkins, from the State of Ohio, who pretended to have been personally acquainted with General Hayes. He, too, was a republican. The democrats had two candidates. They were granted two places in the lower house. The democratic candidates upon the ticket for the legislature were E. A. Stebbins and J. B. Yellowly. The candidate for chancery clerk was E. S. Jeffreys, a republican, who had held the office for a number of years, and the candidate for circuit clerk was a colored man by the name of Anderson.

Q. Was he, too, a republican?—A. He was a republican too. The candidates for the board of supervisors were three white men, two of whom were democrats, the other a republican, being Matt. Richards, the president of the board, and two colored men, both of whom were republicans.

Q. These constituted the county ticket?—A. Yes, sir; these constituted the county ticket. Then there were the justices of the peace, one of whom was a republican and one of whom was a democrat, all over the county. In every beat there were two candidates for justice of the peace, which were divided equally between the democrats and republicans.

Q. Was there any compromise made as to the candidate for Congress in that district, or the State treasurer? Was there a State treasurer elected that year?—A. Yes, sir. At that time Colonel Singleton was candidate for Congress in the district. In the compromise which was made it was distinctly understood that the compromise did not touch the candidate for Congress or the candidate for State treasurer. Captain Buchanan was candidate on one side and Major Hemingway on the other. Nor did it affect the candidates for district attorney, Mr. Henry Niles and Mr. George Wilson. It touched neither of those officers; the compromise did not embrace them at all.

Q. Was that a free and fair election?—A. It was. In Madison County it certainly was.

Q. In the election of 1875 do you know of any intimidation, threats, or improper means used for the purpose of carrying the election in the county of Madison?—A. I do not. The only charge of intimidation that I know of is one that I have heard brought against myself by Captain Vey, who says that I used some threatening language toward him. That is about the only charge I have ever heard made.

Q. Did you use that language?—A. I did not use the language that he quotes me as having used.

Q. As to the voters there in 1875, white and colored, do you know of any threats or intimidation?—A. In 1875, on the day of election, I went out seven miles from Canton, to what is known as Central Academy. I went there for the purpose of looking after the interest of our member of Congress, State treasurer, and district attorney. I carried with me a colored man who had been acting with the republican party, one of the leaders of the republican party in Madison County, namely, Andrew Lawson, whom Mr. Smith here knows. On that day we staid at Central Academy until about one o'clock, and I know of my own knowledge that a great many negroes on that day, of their own free will, after voting the compromise ticket, did vote for our candidate for Congress, because I went with them to the polls. This colored man and myself went with them to the polls and saw them put their tickets in the box. About one o'clock the vote was well near over and I returned, and during the rest of the evening we worked at the west ward, which was situated in Winkler's shop.

Q. Where?—A. In the city of Canton, in Winkler's shop. Winkler is a shoemaker.

Q. At that box, do you know of any colored voters voting of their own free will the democratic ticket?—A. I saw a good many of them vote the democratic ticket so far as Congressman, State treasurer, and district attorney were concerned. I was there during the rest of the evening.

Q. Will you please state how the vote resulted, so far as State treasurer, Congressman, and district attorney was concerned, in the county of Madison?—A. The county of Madison, for Congressman, State treasurer, and district attorney, went for the republican ticket by a majority of between 890 and 900. There was not quite 900 majority for the republican member of Congress. That was where there was no provision made in the way of compromise for the candidate. The compromise ticket was elected overwhelmingly. Almost everybody voted it with few exceptions. The other candidates were for member of Congress, State treasurer, and district attorney.

Q. Did the democrats vote for the compromise ticket?—A. They did.

Q. And voted for all the candidates, as far as you know, that were on the ticket, white and colored?—A. Yes, sir; white and colored. They were all elected by a large majority.

Q. I will ask you whether, since that time, one of the colored men who was elected on the ticket, a republican, has not died?—A. David Jenkins, who was elected on that compromise ticket as a republican member of the legislature, has died since that time. In his place the democratic party last fall, just before the presidential election, nominated a colored man, a democrat, and who was elected at the last election in the place of Jenkins.

Q. So that there is now a colored man in the legislature from that county?—A. So that there is a colored man a representative in the legislature from Madison County. Instead of being a republican, this time he is a democrat.

Q. How many speeches did you make in that canvass in the county in 1875?—A. Outside of the city of Canton I made only three or four. I spoke quite frequently in the clubs, at our club-meetings, and in the convention which met for the purpose of considering this compromise ticket I introduced the resolution and had charge of it.

Q. I was going to ask you about that.—A. I advocated the compromise upon the floor of the hall.

Q. How did it happen that you made this compromise ticket that year in the county of Madison? Give a little history of it, as you seem to be familiar with the matter.—A. It came up in this way: The chairman of our county executive committee, who was a young man of about my own age——

Q. What was his name?—A. Robert Powell. He and I had been schoolmates, and graduated together in the law-school—we were roommates. I received a letter from Yellowly, who was a candidate, upon the democratic side, for the legislature. In that letter Yellowly stated to Powell that Judge Breck, who was a radical, the chancellor of the district at that time, a member of the republican party, and who was appointed chancellor by Governor Ames, had written to Captain Montgomery of Madison, stating that a compromise could be effected, and that it would be the best thing for Madison County. That letter was shown me by Mr. Powell, and I was requested by him to go over to Captain Ross's office, who was the sheriff of our county, a leading republican, and see if a compromise could be effected. In response to that invitation, I went with him to Captain Ross's office. He and I showed this letter to Captain Ross, and told him what we thought about the matter; and we asked him if Judge Breck was authorized to offer any terms of compromise with regard to a ticket. He said that Judge Breck was not authorized in any way that he knew of, and that he was not authorized himself, not being a member of the county executive committee; but he said that he would call some of the members of the county executive committee, and we could then consult together. He went to the door and called Captain Pratt, who was afterwards elected State senator upon the compromise ticket, and Mr. Henry R. Smith, who was postmaster at that time. They came over, and possibly one or two others, I do not recollect exactly who, and we had a conversation, in which it was proposed that this compromise should be effected. We had that day a meeting of delegates, five from every democratic club in the county.

Q. That had been arranged before? It was on that day that your meeting was to take place?—A. Yes, sir; it had been called some time before, for the purpose of devising a general plan for carrying on the campaign. The meeting of the delegates from the clubs took place on that day in Odd-Fellows' Hall. After having this conversation with these gentlemen in regard to the compromise, I took charge of the matter and went into the hall as a delegate, being the delegate from our club in the city of Canton, and offered a resolution upon the floor that our county executive committee should be clothed with full power to consult with the republican county executive committee, and to form a compromise ticket, if they deemed it best. The county executive committee afterward did meet, and consulted with the republican executive committee, and they agreed upon a ticket.

Q. You say you did not make many speeches outside of the city?—A. I made only three or four outside of the immediate vicinity.

Q. Did you make any speeches outside of the county?—A. Not outside of the county in 1875.

Q. Did you mix with the people freely?—A. I did. I made it my business to mix with them and mingle with them. I was interested in the election.

Q. State whether you know of any acts of intimidation, or any threats that were used in that election, to force any man to vote contrary to his

wishes—A. In 1875 I know of no instance of intimidation or of any man being forced to vote against his wishes for any ticket, because it was a compromise ticket, with the exception of member of Congress, State treasurer, and district attorney.

Q. I will ask you whether or not you know the fact that there was organized upon my plantation a club of colored republicans, who were in the habit of coming to town armed?—A. I do; I know that there was upon the place of Col. O. R. Singleton what was known as the Singleton Club, a republican club, of which Jerry Payne was captain and Oliver Payne lieutenant.

Q. Have you seen them go into town armed?—A. I have; I have seen them come into town armed; I have seen their officers with their swords marching with their men in the town.

Mr. TELLER. That was in 1875?

Mr. SINGLETON. In 1875; we are taking 1875 first.

The WITNESS. I will state that I know many members of that club in 1875 came into town and voluntarily voted for Col. O. R. Singleton for Congress; among them this man Jerry Payne, who was the captain of the club.

Q. Is it not a fact within your knowledge that pretty much all the men upon my plantation did vote the democratic ticket?—A. Yes, sir; I know that they did do it; I saw a great many of them vote it myself.

Q. Did they do it voluntarily and freely?—A. They did. There was no caution about it, no intimidation.

Q. I ask whether or not you know the fact that this armed organization out there was in the habit, when any difficulty would occur in the neighborhood, if any offenses would be committed, of going and arresting persons without any warrant of law to do so?—A. I know one instance in which it was done, because of the fact that we were called upon to defend the party who was arrested by this club. In that way I became aware of the circumstances connected with the case; and I know that this club did arrest him without any warrant.

Q. Do you recollect his name?—A. I do not; but my impression is that his name was Parrott. About his name I will not be positive.

Q. Do you know of other armed organizations of colored people coming into the town?—A. I know upon one occasion it was reported——

Mr. TELLER. I would not say what was reported; only state what you know, because matters are stated from report which turn out frequently to be untrue. I do not care about it unless you know that it was so.

The WITNESS. Very well. I did not see these parties I was going to speak of.

By Mr. SINGLETON:

Q. Now, then, you have testified as to the election of 1875. Will you be kind enough to tell us what part you took in the election of 1876, in the county of Madison and other counties, as near as you can?—A. In 1876 I was invited into Goodman, which is in the adjoining county, the county-seat of Holmes.

By Mr. TELLER:

Q. Did you speak there?—A. I did; there was a large barbecue that day. Colonel Money, who is at present a member of Congress, Maj. Henry S. Foote, who is a son of old Ex-Governor Henry S. Foote, and myself, were invited to address the people there on that day, and we went. We all spoke that day, and in the crowd I saw quite a number of negroes. I suppose there must have been one hundred and fifty ne-

groes there that day. I recollect their curiosity seemed to be excited in regard to this Freedman's Savings-Bank, which was said to have, as we charged South, robbed the freedmen of so much money. I recollect the negroes making the request of Colonel Money that he, being a member of Congress, would explain that thing to them, which he did. I reckon there were not less than one hundred and fifty negroes that day there.

By Mr. SINGLETON:

Q. How many white persons?—A. I reckon 350 or 400 white people. There was a big crowd there.

Q. State, if you please, what was the character of the speeches that you made there and how the colored people behaved, and all about it. Give us a description of the meeting as near as you can.—A. The speeches were mostly addressed to the presidential issue and to the contest for member of Congress, with regard to the candidates. I recollect that we urged the negroes to unite with us; we told them, in fact, that Tilden had been as warm a friend of the colored people as Hayes had ever been. We appealed to them to go with us. We told them of changes that had been wrought in taxation in the State of Mississippi, and claimed to have organized the common schools for a month longer than the republican party had kept them in operation in the State. We appealed to them to know if they had not got along peacefully under democratic rule for the last twelve months, and told them if they would vote with us that same good state of affairs would continue.

Q. Was there any threat made at all in the speeches, any language used that could possibly be construed into threats?—A. None whatever; none in the least.

Q. Was there anything that took place there that day that looked like the whites were trying to intimidate the colored people?—A. No, sir; there was not the slightest disturbance of any kind, nor did I see any evidence of intimidation.

Q. How did the colored people behave?—A. They were enthusiastic, laughing and shouting whenever they saw what they regarded as a good thing; they enjoyed it hugely.

Q. That was in Holmes County?—A. Yes, sir; that was in Holmes County. It was the only speech that I made in that county.

Q. Did you speak at other points?—A. I went up into the adjoining county of Leake, for the purpose of attending court.

Q. Did you speak there?—A. I spoke at Carthage, which is the county-seat.

Q. What was the occasion of your being there?—A. The court was in session. I went there in the transaction of my profession, and while we were there we were called upon during the recess of the court to make a speech. Captain McCaskill, Mr. McCabe, who was a candidate for State senator, and myself made short speeches.

Q. Were there colored people there?—A. Yes, sir; there were a good many colored people there. There were a good many of them there upon the juries, both upon the grand and petit juries, and as witnesses. I suppose a great many, too, were there just out of curiosity to attend court. We spoke in the court-room, and they entered and listened very attentively.

Q. What was the character of your speeches there? Were they of a peaceful nature? Were they argumentative or were they threatening?—A. We addressed ourselves as far as we could to their reason, gave them what we regarded as good reasons for voting with the democratic party.

Q. Were there any threats made at all?—A. No, sir.

Q. Either in the speeches or threatening conduct on the part of the crowd there?—A. There was not the slightest disturbance that day. The court was in session. There was no intimidation. The judge was there present sitting in the audience, listening, and there were no threats made at all. There was no violence of any kind.

Q. Did you make other speeches; and if so, state when?—A. I spoke in several places over the county of Madison.

Q. That was in 1876?—A. That was in 1876.

Q. Were your speeches all of the same character?—A. They were always so.

Q. Did you hear during the years 1875 or 1876 a speech made by a democrat that was calculated to intimidate the colored people?—A. I do not recollect to have heard any public speech of that nature made at all, in either the canvass of 1875 or 1876.

Q. Where were you on the day of election in 1876?—A. I was in the city of Canton, both at the court-house and at the old Masonic Hall, where the voting was going on. There are two polls in the city, and I would go from one to the other.

Q. What was the order of the election there, quiet and peaceful?—A. It was more like Sunday than election-day there in 1876. I never saw a more quiet day; the stores were all closed; there was no business being done; the people were voting quietly. No disturbance took place in the city of Canton on that day that I remember.

Q. Do you know of a single disturbance in the county of Madison during the last election growing out of politics?—A. I do not, except what is known as the McKee affair.

Q. What affair was that?—A. The George C. McKee affair, when he was struck; and of that I know nothing of my own knowledge. I did not see it.

Q. Did the colored people vote as a general thing in the county of Madison at the last election?—A. In 1876?

Q. Yes.—A. They did not.

Q. Was there any means that you were aware of used by the democrats for the purpose of keeping them from voting?—A. None in the world that I knew of. I know that on the day of election in the city of Canton I saw Mr. Smith, who was our postmaster, at the lower ward with republican tickets in his hand. I recollect distinctly they were headed with the words, "Hold the fort." He was down there walking about, and did not seem to be intimidated in the least.

By Mr. TELLER:

Q. He is a white man?—A. Yes, sir. As a gentleman said on the stand to-day, his skin shows he is a white man.

By Mr. SINGLETON:

Q. Go on and state what occurred.—A. During the course of the day, I suppose about one o'clock, the negroes were not voting. There were very few of them in town, and very few voting. The candidate for Congress, Colonel Singleton, got up on the court-house steps, and stated to the colored people that there was not the slightest necessity for the negroes being at all afraid to vote; that they were at liberty to vote for whomsoever they pleased, and if any of them felt himself in any danger in the world about voting, he would take his arm, or let the colored man take Colonel Singleton's arm, and go to the polls with him and see that he voted the ticket that he pleased. Handy, who was one of the ex-supreme judges of the State, got up and made a speech of the same

character. Major Henry S. Foote, jr., the chairman of the county executive committee, did the same thing, and urged the negroes to vote, telling them that they would be permitted to vote for whomsoever they pleased; that they were at a perfect liberty to vote. A colored man by the name of Wash. Smith, who had been a republican since 1865, after they had finished, got up on the court-house steps, and stated that it was rumored in the crowd that he had been one of the few who had voted the republican ticket on that day. He said that he had voted it, that he had voted it freely, had voted it of his own will, and had voted without interruption and without fear. He said he had voted it, that nobody had proposed to interfere with him, and that he voted it ever since 1865, and felt himself at perfect liberty to vote it that day. He said nobody interfered with him, and that he was not afraid of anybody interfering with him.

Q. Will you state whether you have a military company there in the county of Madison?—A. We have; we have a military organization known as the Madison Rifles.

Q. When was it organized?—A. It was organized in July or August, the latter part of July, or pretty early in August, 1875. I know that it was organized at that time, from the fact that I found it in existence when I reached home in August, 1875. I had been north spending the summer, and came back and found the company fully organized.

Q. Is it a political organization?—A. It is not in any way.

Q. Who is the captain of it?—A. Capt. George Handy is the captain of it.

Q. Are you an officer of that company?—A. Yes, sir; I am one of the lieutenants in that company.

Q. Have you ever used that company in any way for the purpose of intimidating the colored people in any sense of the word?—A. I should say not; certainly in no way outside of the mere fact of the existence of the organization. If the existence of such an organization is an intimidation, it has been used as a political machine that far, but never any further than that.

Q. Will you state the reasons for the organization of that company?—A. I can only state the reasons which the members gave me, and the reasons which existed among them when I joined myself. Just before I reached home a negro man had been killed by a young white man. The negro man had been an employé of the young white man; he was employed in Reed's store.

Q. State the names of the parties.—A. It was a young man of the name of Flake Jones, who struck and killed this negro man, West Thomas, with an ax-handle.

Q. Did this affair grow out of politics at all?—A. Not at all; it was purely a personal difficulty. The negro man was drunk and cursed this young man, and he struck him with an ax-handle.

Q. What was the result?—A. The young man fled the country. The negroes became very much alarmed. Threats were made to arrest him by the negroes and lynch him. He escaped, however. After that it was reported, whether true or false I cannot tell, that the negroes were threatening to march upon the town and burn it, and this company was organized for the defense of the town and the people in the town. It was never organized until this difficulty occurred between this colored man and white man. It was called into existence by that occurrence.

Q. Do you not know the fact of the colored people having taken a colored man from the possession of the regular officer there when he had been arrested in the town of Canton?—A. I know upon one occasion

Tom Priestley, who is the present sheriff of our county, was city marshal, and he arrested a colored man. There was a large number of colored men in the town that day, and they took him out of the hands of the officer, and the officer felt himself powerless to re-arrest him on that day.

Q. He submitted to them?—A. Yes, sir.

Q. You say this company was organized in consequence of the threats which had been made and for the purpose of protecting the white people there?—A. Yes, sir; it was organized for that purpose.

Q. I will ask you again whether it has ever been used for any purpose in the way of intimidation? How often have you paraded? What have been your occasions for parading?—A. There is nothing secret about our organization. We hold our meetings openly; we drill openly; we march around the square, and we go out into old fields and drill. Sometimes we drill in a hall that we have there. The company as a company has turned out on what we call Memorial day, when we decorate the soldiers' graves. On the last Memorial day we turned out. A detachment of the company never left the town of Canton, except upon one occasion, and that was when it was reported that the colored people and the white people at Camden, in the same county, were fighting. Then a detachment of the company went to the relief of the whites, twenty miles away. The sheriff of the county, Captain Ross, was with them; and when they reached Camden they found everything quiet; there was no trouble, and they came back without the slightest disturbance of any kind.

Q. Did you have clubs there—political clubs?—A. Yes, sir; we had two clubs; what we called the east-ward club and the west-ward club.

Q. Who was the presidents of these clubs?—A. George Harvey was president of the east-ward club.

Q. Who of the west?—A. Capt. E. L. Ross.

Q. Not the sheriff?—A. No, sir; Capt. E. L. Ross, the editor of the democratic paper in our town.

Q. Were either of those gentlemen members of your company at all?—A. Neither one of those gentlemen belonged to our military organization.

Q. These were the presidents of the clubs in 1876?—A. They were presidents of the clubs in 1876. This company was organized in 1875. At that time neither of those gentlemen belonged to our military company. They never have been members of our company.

Q. Are your political clubs in the town of Canton altogether distinct from your military organizations?—A. Entirely so. There is no connection between the political clubs and our military organization; none in the world. It is merely a company that we expect to keep up. We have our uniforms, our organization, and we drill; it is a social organization.

Q. Have you ever known any colored man to be dismissed from the service of a white man either on account of his political opinion or because he voted with the republican party?—A. I never have known an instance of the kind. I know this, that the place of Col. O. R. Singleton, member of Congress from that district, was known as one of the hot-beds of radicalism in Madison County always, and I know no negro from that place was ever discharged because he voted the republican ticket.

Q. Do you know that at one time before the year 1875 they were all republicans?—A. I do.

Q. And continued to be so?—A. I do.

Q. Do you know of any ever having discharged one of them because of his political opinions?—A. I know none of them have ever been discharged on that account. I know it is almost impossible to drive them off the place even when they get so trifling that you do not want to keep them. Labor is too scarce in our county to discharge for political reasons.

Mr. TELLER. This young man, the witness, is your son?

Mr. SINGLETON. Yes, sir; he is my son.

By Mr. TELLER:

Q. You say you know one instance where the negroes took a prisoner out of the hands of the sheriff?—A. No, sir; out of the hands of the city marshal.

Q. A man who was afterward sheriff, I think you said?—A. Yes, sir; he is the present sheriff of our county.

Q. When was that?—A. It must have occurred in 1872 or 1873; several years since.

Q. It was not considered a matter of sufficient consequence to form a military company at that time?—A. No, sir; it was not. No military company was formed at that time.

Q. What time did you say this military company of yours was formed?—A. It was in July or August, 1875. I returned in August, 1875, and I found it in existence then. Whether it was formed the last of July or first of August, 1875, I cannot tell exactly.

Q. Were you at home when this negro was killed by this man Flake Jones?—A. I was not.

Q. This occurred while you were North?—A. While I was North.

Q. The negroes threatened to lynch him?—A. That was the report. That is all I know. When I reached home that is what I was informed.

Q. He made his escape out of the country before you formed this military organization?—A. Yes, sir.

Q. You say it was reported that the negroes were going to march on the town and burn it?—A. Yes, sir.

Q. How was that reported—by whom?—A. I cannot tell you. I will simply state that I was not there when that report got out. How it was reported I do not know.

Q. You heard that report? That is one thing that induced you to join a military organization, I understood you to say?—A. That excitement was over then. The report had been spread abroad and the organization had been formed before I got home. When I got there I found it as an organization of young men, friends of mine, and I joined it on that account. I was solicited to join.

Q. Then you did not join because you anticipated that the negroes would burn the town?—A. I joined it because I felt that it would be pleasant for me to be associated with these young men, and I knew the public mind well enough to know that it was well enough to be prepared at all times.

Q. You have always lived among the negroes?—A. I have.

Q. Is there a large negro population in Madison County?—A. Yes, sir.

Q. How does the negro population compare with the colored population in 1868, or at any time soon after the close of the war?—A. I expect it is about the same.

Q. It has not changed much?—A. I do not think there has been any material increase or decrease.

Q. How is the negro population in Madison County as compared with

what it was in 1872?—A. I think it is about the same now. I do not think there has been any great difference.

Q. What is the proportion of blacks in the population of Madison County?—A. I can only tell you by the registration.

Q. That will do.—A. There are about 1,500 white voters in the county, and about 3,000 colored voters.

Q. The colored voters are about two to one?—A. Yes, sir; there are about 4,500 voters in the county, and about 1,500 white voters.

Q. Do you know who started this report that the negroes proposed to burn the town?—A. I do not.

Q. From whom did you hear it?—A. I only heard it after I got back as the reason why this military company was formed.

Q. Do you recollect from whom you heard it?—A. I never heard the report myself.

Q. It was told you that such a report had been in circulation?—A. Yes, sir; it was told me that it had been circulated.

Q. Did you ever see anybody that ever did hear it from a colored man or purporting to come from a colored man?—A. No, sir; I never heard any man say he ever heard a colored man say so.

Q. How often have you heard the story in the last ten years that the negroes proposed to burn a town; this town or any other?—A. That is the only time I ever heard it with regard to the city of Canton.

Q. Or any other town?—A. I have heard it frequently reported; just newspaper reports.

Q. Is it common to report that the negroes propose to burn a town?—A. Yes, sir; very frequently in regard to other towns.

Q. Did you ever hear a negro make a threat to burn a town or to burn a house?—A. No, sir; I never did.

Q. Did you ever hear a negro make threats of personal violence against white men in the State of Mississippi?—A. For political reasons?

Q. For any reason?—A. Upon what ground?

Q. Upon any ground?—A. I have seen them threaten personal violence.

Q. Let us know it.—A. I can give one instance.

Q. I want you to state it.—A. I recollect a colored man by the name of Charles Davis, who I know did threaten personal violence and undertake to commit personal violence upon Major Henry S. Foote of our town.

Q. Did they have a personal rencontre?—A. Yes, sir; it was just a personal difficulty.

Q. Who commenced it?—A. I cannot tell you.

Q. Did you ever know a negro in the State of Mississippi to make an attack in the first instance on a white man?—A. Yes, sir; I have.

Q. I want you to mention it. I have not seen anybody that did, and I would be pleased to know when and where it occurred?—A. Without having my memory refreshed by some suggestion I could not mention any particular instance.

Q. I, of course, do not want to press you on that point; but is it not an unusual thing for a negro to make an attack upon a white man?—A. Yes, sir; they regard the white race, I think, as superior in courage and in the art of self-defense.

Q. It would be remarkable that they should make an attack on the whites?—A. It is an unusual thing.

Q. I will ask you as a gentleman if you believe there is really danger in any section of the State of Mississippi of the negroes congregating

and burning a town?—A. Do you mean congregating together as a body and marching on a town?

Q. Yes, sir; as you say the report was they were coming to burn the town of Canton?—A. I do not think there is any danger of that kind.

Q. Do you think there ever has been since the war any danger of their doing that?—A. I cannot answer with regard to that for several years past, but at present I do not think there is any danger, and I doubt very much whether there ever was any danger.

Q. Do you not know that the negro is not a vindictive person as a general thing?—A. My experience with the negro teaches me that he is not vindictive.

Q. He is peaceable, quiet, and forgiving, is he not, in disposition?—A. He is peaceable, quiet, and forgiving in disposition, but if there are any who are vengeful it is in a very sly way.

Q. They are the exception to the rule?—A. Yes, sir; they are the exception to the rule.

Q. Did it ever occur to you that these stories of negroes marching on towns and burning them might be concocted by persons for a purpose?—A. Certainly; that thought has suggested itself to me, just as, doubtless, it has suggested itself to you, or any other man.

Q. It has occurred to you that those things might have been done for a purpose?—A. Certainly; and it has occurred to me that there might be some truth in such reports. It has occurred to me that they might be a mere falsity, and then it has occurred that there might be some truth in them; just either way.

Q. Of what number is your military company composed?—A. Fifty-four; we have fifty privates and four officers.

Q. Have you any other organizations in Madison County except at Canton?—A. Military organizations?

Q. Yes, sir.—A. None that I know of. They have their political clubs all over the county, but I know of no military organizations except that one.

Q. How are you armed in this military organization? I do not mean to confound your military and club organizations, but Mr. Wilson the other day swore that in Holmes County the political clubs and military companies were the same thing.—A. The military organization is a different thing in our county entirely.

Q. I speak of the military company; how were you armed?—A. We have Winchester or Remington guns; I think Remington, the single-barrel, breech-loading rifle. I believe the Winchester is a sixteen-shooter.

Q. You are all armed with those rifles?—A. The privates are. The officers have their swords.

Q. How did you get your arms?—A. We bought them.

Q. For the purpose of this organization?—A. Yes, sir; we bought them for that purpose.

Q. You spoke of a negro armed club; how were they armed?—A. They would have shot-guns, and some of them pistols, and some of them tswords.

Q. What kind of an organization was it?—A. I do not know, except as I used to see them. They would parade in the town, come in with their drums and fifes and with their shot-guns, and some of them with pistols, marching, or riding on horseback, as I have seen them do frequently, and they would dismount and march around the streets.

Q. When was that club organized?—A. I have not seen it turn out for two years. I first saw it in 1871, or 1872, I think.

Q. How many members did they have?—A. There were forty or fifty of them. They were from my father's place and the Hill place, the adjoining place there.

Q. Did you ever anticipate any danger from that organization?—A. Did I ever anticipate any danger myself?

Q. I speak of the community?—A. No, sir; I never feared any danger from them.

Q. You did not think it was a revolutionary body?—A. I did not think there was any danger in them, because I do not think there is any danger in the negroes ordinarily.

Q. How is your organization formed—by virtue of any law, or is it a mere voluntary association?—A. It is a mere voluntary association. We are not State militia at all.

Q. Nor are you an independent company by virtue of any statute?—A. Not at all.

Q. Some of the States provide by statute for independent companies?—A. Yes, sir; but there is no law in Mississippi requiring us to be incorporated.

Q. It is a mere voluntary organization?—A. That is all.

Q. You say it is distinct from the political organizations?—A. Entirely so.

Q. The members of this military company are, however, members of the democratic club?—A. I think every one of them is a member of either the east ward or west ward club. No, there are a few of them that are not old enough to be members of either club.

Q. Have you ever had any republicans in that military organization?—A. No, sir; there is not a republican in the organization, that I know of.

Q. Do you admit republicans in it?—A. The question never came up; one never made application.

Q. Have you any white republicans in your section?—A. O yes, sir. I will state, in this connection, that we do have there not a paid fire department, but a fire department composed of the young men of our town. We have a hook and ladder company, of which I am foreman; and I will state that among the members of that hook and ladder company there are two republicans. To my certain knowledge, one joined who had been acting with the republican party.

Q. That was a hook and ladder company?—A. Yes, sir; a fire company. They made application to join and did join. Our present chancery clerk, Mr. E. S. Jeffreys, is a member of that hook and ladder company and turns out with it on all occasions.

Q. Is he a republican?—A. Yes, sir; the republican chancery clerk of our county.

Q. The one elected at the time of the compromise you spoke of?—A. Yes, sir; but he had been the chancery clerk for several years prior to that.

Q. You say in 1875 you never heard in the State of Mississippi of any violence at all?—A. No, sir; I did not say that. I said that in Madison County I had not heard of any intimidation.

Q. I understood you to speak of the State?—A. No, sir; I never said that I had never heard of any violence in the State.

Q. You had heard of some violence outside of the county?—A. Yes, sir; I have heard of charges of that kind.

Q. You have no knowledge of such instances of violence yourself?—A. Never.

Q. You say in Madison County you never heard of any person being

discharged for voting the republican ticket?—A. I never heard of a person in Madison County being discharged for voting the republican ticket.

Q. Did you ever hear any threats made to discharge them if they did vote the ticket?—A. I never heard a threat made personally to one.

Q. Did you ever hear any statements made by planters, business men, democrats, that if the colored people did vote the ticket they would be discharged?—A. Do you mean made directly to any individual?

Q. Yes, sir.—A. Not made to a negro.

Q. Just general charges.—A. Yes, sir. I have heard some parties say they would not employ them, and did not intend to employ them.

Q. Was it not pretty generally understood by the negroes that that was the sentiment of the planters?—A. I think not; because the negroes knew very well that that course could not be pursued.

Q. You think they did know it, but I think they did not know it.—A. I think they did know it certainly.

Q. You did hear it, however?—A. Certainly; I heard parties talking on the street and say, "Well, I am not employing any damned negro who will vote the republican ticket." I have heard that remark made in a casual way on the street.

Q. Do you know that the democratic papers in Mississippi generally advocated that policy?—A. I know it was advocated by some. I cannot say whether generally or not.

Q. Do you know that on the stump it was advocated quite generally in the State of Mississippi?—A. Not in our county.

Q. You cannot state how it was outside of your county?—A. I do not know how it was outside of that. I only know of our county. The republican office-holders of our county have always been of the better class of office-holders.

Q. You have a considerable number of white men who are republicans in the county?—A. Yes, sir.

Q. Are they natives of Mississippi?—A. Some of them are natives, and some of them are men who have come there from the North, what we call carpet-baggers.

Q. Are there some of your ex-confederate soldiers in your section who are republicans now?—A. There are some home republicans there, but whether they were in the confederate army or not I am not certain. I think Boyd, our present county treasurer, who is a republican, was in the confederate army; and my impression is that one of the members of the board of county supervisors, who is a republican, Matt. Richards, was likewise in the confederate army. I think they are both native Mississippians. I will simply state that in another section of the State I have an uncle who I know is a native Mississippian, who is a republican office-holder, an uncle by marriage. He was chancellor under Alcorn; his name is Maj. Wesley Drane.

Q. He is a republican?—A. Yes, sir; he was a republican and acted with the republican party until the Tilden election, I believe.

Q. You say in your county of Madison, in 1875, you compromised?—A. Yes, sir.

Q. That was a strong republican county?—A. Yes, sir; it was a republican county; had been before that time.

Q. You had not very much hope of a democratic triumph in that county unless you did compromise?—A. I will state that by a portion of the community hopes of the strongest kind were entertained that the county would be carried for the democrats, and that belief was so strong in the minds of some people in our county that on one occasion I came

very near having a personal difficulty, because I had favored that compromise, with a man who took the ground that the county would have been carried by the democrats, and he brought the charge against me of selling out, as he said.

Q. How did he propose to carry it, by what is known as the Mississippi plan?—A. I do not know how he proposed to do it.

Q. You know what that plan is?—A. No; I do not know what you call the Mississippi plan.

Q. You know what has been advocated in the State of Mississippi, what was advocated in your convention? I do not propose to go over it, but we have had testimony of that policy before the committee.—A. I do not know what you mean.

Q. You do not understand then what I mean by the Mississippi plan?—A. I do not.

Q. I will state in brief what the plan is.—A. Very well.

Q. It is that the State should be carried at all hazards, honestly and fairly if it could be done, but to be carried.—A. I know the determination was in the State of Mississippi to carry it.

Q. Do you not know that the newspapers in substance reiterated that in the campaign of 1875 the State must and should be carried?—A. Yes, sir.

Q. Irrespective of the method to be adopted?—A. I do not know that the charge was given to carry it in that way, but I do know that the papers did state that the State must and should be carried. I know that that was the determination, just exactly as it is the determination in other States to carry the State for a particular party.

Q. At the election in 1875 do you remember the full vote in your county? You state that the republican candidate for Congress received about 900 majority?—A. I do not know, but I know there was a full vote.

Q. Do you not remember the vote?—A. I do not; I cannot give you the vote.

Q. The democratic vote in 1875 is put down in the Greeley almanac at 1,488; republican vote, 2,587. Do you think that is about the vote?—A. I think that is about the vote.

Q. Do you remember what the vote was in 1872 in your county at the presidential election when Greeley and Grant ran?—A. No, sir; I know that a great many in our county would not vote for Greeley. It was my maiden presidential vote, and I cast it for Mr. Greeley; but a great many did not vote for him.

Q. I think the democratic vote was small?—A. Yes, sir; it was very small in that county at that time. Our people would not vote for Mr. Greeley.

Q. You say that this company of yours was never used on any occasion for the purpose of influencing the colored vote?—A. Not that I know of.

Q. Did you have any drills about the time of this last election—immediately before the election?—A. In 1876?

Q. Yes, sir.—A. Yes, sir, we did have.

Q. Did you have a drill on the 4th of November?—A. I could not tell the very day, but I know we had one shortly before the election.

Q. The 4th would be Friday night, would it not?—A. Saturday night it must have been, because that was the drill-night.

Q. Was any portion of your company detailed to do duty on election-day in your county, at Canton?—A. No, sir.

Q. Or to do duty the day before election?—A. No, sir.

Q. Or about that time?—A. No, sir. There was no duty required of them that I know of.

Q. You say that on election-day everything was quiet at the town of Canton?—A. It was.

Q. What was the vote at Canton, if you recollect?—A. I cannot tell you; but I can tell you that the republican vote there was very small.

Q. How many voting-places are there in the county of Madison? What do you call them, beats?—A. We call them voting-precincts.

Mr. TELLER. I heard Major Gibbs talk about his beat, and did not know what he meant.

Mr. SINGLETON. They have five supervisors' districts. He may have called those "beats."

Q. (By Mr. TELLER.) How many precincts do you say you had?—A. I do not recollect, but there must be somewhere between eight and ten. There are two in the city of Canton, and the rest are scattered over the county.

Q. Was there a pretty full vote of the democrats in that county at this last election?—A. Yes, sir.

Q. They generally turned out?—A. Yes, sir.

Q. You say they had about 1,500 white votes registered?—A. Yes, sir.

Q. Out of that 1,500 what proportion would you judge to be democrats?—A. I do not think there can be over 30, between 25 and 30, white republicans in the county.

Q. Do you know what the democratic vote was in your county in 1876?—A. It was about 1,600.

Q. Do you know what the republican vote was in your county?—A. No, sir; but it was very small.

Q. In the Greeley Almanac, the democratic vote in 1876 was 1,473, and I think the republican vote is 13. Do you know anything about whether that is right or not?—A. I expect that is very nearly right. I know the republican vote in the county was very small.

Q. The negroes, generally, did not vote in the county?—A. They did not.

Q. Do you know why they did not vote?—A. I do not know of my own knowledge. I can only tell you what was rumored, and I suppose that you do not care to know.

Q. Ever since the negroes have been allowed to vote, have they not shown an unusual anxiety to vote?—A. Yes, sir; even in 1875, they showed an anxiety and a willingness to vote, and did come in to vote.

Q. As a general thing, the negroes seem to prize the privilege of voting?—A. They did thus far until the last election.

Q. It placing them on an equality with other people?—A. Up to this election they seemed very willing to vote.

Q. Do you know whether the same thing occurred in any other counties than in Madison where the negroes failed to vote?—A. I do not know of my own knowledge. I know it was reported that it occurred all over the State, in a great many counties in the State.

Q. You do not know what induced them?—A. I do not.

Q. You are satisfied that it was not any threats made by anybody?—A. I know on our part there were no threats.

By Mr. SINGLETON:

Q. You speak of your own county?—A. Of my own county only.

By Mr. TELLER:

Q. On your part. What do you mean by that?—A. That no threats were made by members of the democratic party in our county.

Q. Had any threats been made against them by anybody you know of that would have induced them to stay away from the polls?—A. In our county?

Q. Yes, sir.—A. There were not.

Q. Were there any local officers elected at this last election in your county?—A. You mean at the presidential election?

Q. Yes.—A. Yes, sir. There was a member of the legislature elected.

Q. In your county?—A. Yes, sir.

Q. What was he?—A. A democrat, a colored democrat.

Q. Is that the democrat you spoke of?—A. Yes, sir.

Q. Was there any republican candidate against him?—A. No, sir. I believe a few scattering votes were cast for one or two parties. Jenkins, and probably Johnson, got a few votes, but the republicans made no regular nomination. You cannot say that there was a regular republican candidate.

Q. What other officers were elected besides member of the legislature, except the presidential electors?—A. None that I know of at the presidential election. We had a special election for sheriff.

By Mr. SINGLETON:

Q. You elected a member of Congress?—A. Yes, sir; member of Congress, of course.

By Mr. TELLER:

Q. General Singleton was the candidate?—A. Yes, sir. He was the candidate.

Q. Who was running against him?—A. Judge William M. Hancock, of the eastern portion of the district, was his competitor.

Q. Were there any republican meetings held in your county during the campaign?—A. There were none to my knowledge, except this meeting I alluded to of General McKee's. That I know nothing about. I was not there that day, and did not see the difficulty. I had gone home to dinner, and did not know anything about it.

Q. I did not propose to go into that trouble, because you do not know anything about it of your own knowledge.—A. I cannot tell you anything about it. I was at home. Mr. Smith, who is here, I believe, was there and saw it all. I recollect having been told by Mr. Smith, when I came down from dinner, that there had been some trouble, but I saw nothing of it myself.

Q. You say that you never heard of threats made at any time in any of the public speeches, or threatening language used at the public meetings that you heard of?—A. I never have heard democratic speakers threaten the republicans that they were going to inflict bodily harm, or discharge the negroes, in any of the public speeches. I have heard them say this, if you will allow me——

Q. Tell anything you heard on that point.—A. I have heard them address themselves to the colored people, and tell them that they were anxious that they should go with us, and if they did not go it would be their own fault; that we were going to elect our own candidates anyway, and we would be glad to have them with us, but we proposed to carry the election anyway.

Q. Did you hear that, in your county, where there was a large negro majority?—A. Yes, sir.

Q. Tell us how you expected 1,500 white men to control 3,000 negro votes?—A. We did not expect to carry our county in that way. Our county all regarded as one of the counties that would probably go re-

publican, but the idea of our speakers was that in other counties there were enough of negroes who would vote with the democrats to overcome the negro majorities in these large negro counties.

Q. Still you made the same statement there that was made in other counties, that you intended to carry the county?—A. That we intended to carry the State, not the county.

Q. Did you ever attend a barbecue at Livingstone?—A. I never did. I never was down there at a barbecue.

Q. You do not know about what was said there by Major Foote?—A. No, sir, I do not. I did not hear him speak there. I never was at a Livingstone barbecue in my life.

Q. Is there a paper published in your town called the Canton Mail?—A. Yes, sir.

Q. Are you a reader of that paper?—A. Yes, sir; I read it frequently.

Q. It is a democratic paper?—A. Yes, sir.

Q. Are you a contributor to it? Do you write for it?—A. No, sir; not at all, except occasional accounts of little social gatherings or things of that kind. I never wrote an editorial for it.

Q. Do you remember seeing this in the Canton Mail, dated July, 1876:

David Jenkins, Alfred Handy, and some others might just as well make up their minds to *ground arms* now as later in the campaign. They need not try to carry this county against honest rule. It can't be done. They need not try to excite the passions of the ignorant masses against the more intelligent. *It shan't be done.* We tell them so right now. Let them weigh our words of counsel and be profited thereby.

Q. Do you remember seeing that in the Canton Mail?—A. I do not, but I will tell you that it sounds somewhat like the utterances of the Canton Mail.

Q. You have seen things of that character in that paper?—A. Yes, sir; I have seen about such things as that in it.

Q. Who are David Jenkins and Alfred Handy; republicans?—A. Yes, sir; they were candidates for the legislature. David Jenkins was afterwards elected on the compromise ticket, and has died since that time.

Q. This article refers to the campagin of 1876, does it not?—A. No, sir, 1875.

Mr. SINGLETON. It could not have been 1876, because Jenkins was dead.

Mr. SMITH. Jenkins died in August.

The WITNESS. It may have been in 1876. I will not say that it was in 1875 or 1876.

Q. (By Mr. TELLER.) Were Jenkins and Handy leaders in the republican party? Were they colored men both of them?—A. Yes, sir; Handy had been one of the leaders in the republican party and had been a member of the legislature and was a preacher—a man of some prominence.

Q. A colored man?—A. Yes, sir; he was a colored man.

Q. Have you a place in your county called Calhoun station?—A. Yes, sir.

Q. Do you know Colonel A. Warner who resides there?—A. Yes, sir; I know Colonel Warner personally.

Q. Is he a republican?—A. Yes, sir.

Q. The chairman of the republican committee?—A. I believe he was chairman of the State republican executive committee.

Q. What is his business there?—A. He is interested, I think, in a

farm there. I believe he has sold out now, and I think he is interested with Captain Key in merchandising.

Q. Was he a farmer during the last year there?—A. I really do not know when he sold out his interest in the farm. My impression is that he sold out before that time.

Q. How long has he lived there?—A. He has lived there for several years.

Q. He is merchandising now, you think, in Calhoun?—A. He has an interest in a store there with Captain Key.

Q. Do you know anything about a party of white people going down there to mob him?—A. No, sir.

Q. Did you hear of it at the time?—A. I simply know on one occasion on the day of election there was a good deal of excitement with regard to Colonel Warner. He came up from Jackson to Calhoun station on the day of election in 1875. I know that General George telegraphed to the firm of Campbell & Calhoun of our town to see that no harm came to Colonel Warner, and I know that those gentlemen did notify some parties at Calhoun station, and Warner went in peace.

By Mr. SINGLETON:

Q. State who General George was.—A. General George at that time was chairman of the democratic State committee.

By Mr. TELLER:

Q. You say there was some trouble and some threats of mobbing Colonel Warner?—A. There was a good deal of excitement against him. I never heard any threats made personally; but I know there was a good deal of excitement with regard to him.

Q. What was the complaint against Warner by this mob? Anything except that he was a republican?—A. Yes, sir.

Q. What?—A. Just exactly as these charges frequently come up. He was charged with having made some very incendiary speeches.

Q. Please tell what an incendiary speech is in Mississippi. That term has been used by witnesses on your side several times and nobody has asked for a definition. I want to know what an incendiary speech is in Mississippi?—A. I will tell you one instance which was reported to us as an incendiary speech.

Q. Give me your opinion as to what an incendiary speech is.—A. My opinion of an incendiary speech is a speech wherein a speaker states that if necessary he would kill twenty white men in order to carry the election. I know the charge was brought against a republican at Calhoun station that he had said in his speech to the republicans near Calhoun station that they were going to carry that election if they had to kill twenty white men. Upon investigation I was satisfied of the utter falsity of the charge, and do not believe to-day the man ever made such a speech as that.

Q. That you would call an incendiary speech?—A. Yes, sir.

Q. Did you ever hear such a speech made by any republican in the State of Mississippi?—A. I never heard a speech of that kind.

Q. Did you ever hear a man you could trust and believe who told you that he ever heard such a speech made by a republican in the State of Mississippi?—A. No, sir; but I will tell you this: that on one occasion it was reported to me by a man I could trust that he had been told by a negro that he heard Captain Key make that speech. That was the nearest I ever came to it; but, upon investigation, I was satisfied of the utter falsity of the charge.

Q. You could not consider that good evidence?—A. No, sir; I did not, and as soon as I investigated the matter, which I took some pains to do, I found it to be false to my satisfaction.

Q. Is it reasonable to suppose that a man would get up in a country situated as the republicans are there and make such a speech? Does not such a charge on its face carry contradiction with it?—A. It is not very reasonable, and therefore I would be very loth to believe it, and it would take good testimony to convince me of it.

Q. Do you know what the charge was that Colonel Warner had said in this speech?—A. I do not know.

Q. Do you know whether he ever did make any incendiary speech?—A. I cannot say that he did.

Q. Have you any reason to suppose he ever did?—A. Not outside of this idle rumor. I have heard him make a good many speeches, but I never heard Colonel Warner make a speech of that kind.

Q. What was the character of this crowd who proposed to go there? Was it large or small?—A. I do not know.

Q. From your information can you state?—A. What I alluded to was this: There had been a great deal of excitement against Colonel Warner. He was absent from the county for some time, and it was reported that he was coming back to Calhoun on the day of the election in 1875 in order to try to carry that box, as he had been in the habit of doing. Then it was that there was some apprehension that violence would be done to him by some parties. As to the number or who they were, I do not know. It was on account of this anticipation of probable violence being done to him that this telegram was sent.

Q. To whom did Colonel George send that dispatch?—A. To the firm of Campbell and Calhoun.

Q. Did you see it?—A. I did not, but I heard Colonel Calhoun say he got the dispatch, and I have seen it in print since that time.

Q. Do you know what reply was sent back to Colonel George?—A. My impression is that no answer was sent back to Colonel George, but that Judge Calhoun telegraphed to these men at Madison Station that no violence should be done to Colonel Warner.

Q. Do you not know that some one telegraphed back that his dispatch saved Colonel Warner?—A. I know that a telegram was sent back that was signed by a man by the name of Johnson, but it professed and was believed at one time to have come from a gentleman by the name of Garth Johnson. I know since that time he declared that he sent no dispatch of that kind. I know a dispatch was sent signed by A. Johnson. And I think his name is W. G. Johnson.

Q. The dispatch was sent back to the chairman of the committee that his dispatch had saved Colonel Warner?—A. Yes, sir; that was sent back by somebody, but the gentleman who was presumed to have sent it pronounced it a forgery.

Q. Is Warner still there?—A. He was there not a great while since. I did not see him, but I was told by a gentleman whose word I do not doubt that he was there.

Q. Has he ever represented your county in the legislature?—A. Yes, sir; he was a member of the legislature, I believe of the lower house, and then I think of the upper house, for a number of years, and for a short time candidate for Congress.

Q. He did not take much interest in this last election?—A. In 1876?

Q. Yes, sir.—A. No, sir; none whatever. He never made a speech in the county.

Q. Did any other republican make a speech in the county?—A. Not that I know of; if so, it was out in the country.

Q. If they had you would have known it?—A. I believe Mr. Matt Richards did make a speech of some kind, but he was distorted in some way, and he wrote out the speech in full and published it in the paper in order to contradict any idle report in regard to it.

Q. He was a colored man?—A. No, sir; a white man, a southern man, a member of the republican party.

Q. He is the man who said on the court-house steps that he had voted the republican ticket?—A. No, sir; that was a colored man. Outside of that I know of no speech being made by a member of the republican party. They did not organize.

Q. Did you hear Senator Gordon make any speeches during the campaign of 1875?—A. No, sir; I did not hear him at all; I never heard him speak.

Q. I think you stated that your company was not a secret company?—A. Not at all.

Q. That is, you did not drill in private?—A. We had our hall and we used to drill there sometimes. At other times we would drill on the street and go out into the old fields to drill.

Q. In 1875 did you not drill on the common and quite ostentatiously, so that people would know you were drilling, so that colored people might know it?—A. In 1875 I think the drills were confined entirely to the hall.

Q. Are you sure of it? Did you appear on the street in 1875?—A. I would not state it positively, but my impression is that the first time we ever went out in public to drill on exhibition was on Memorial day in 1876.

Q. How frequently did you appear in public during this last campaign?—A. How do you mean?

Q. As a military organization, either for drill, parade, or anything else?—A. In April, 1876, we turned out on Memorial day. We used to drill every two or three weeks from that time on, and we drill every week or two, or three weeks, now, whenever our captain sees fit to call us together. We are having our uniform made of regular gray jeans cloth, trimmed with black, with the Mississippi button on it. We expect to keep up our organization.

Q. Describe your uniform.—A. It is a common gray jeans suit with a black stripe; a pair of gray jeans pants with a plain black stripe down the side, and a coat made like this, [indicating] and a stand-up military collar.

Q. What is the color of the coat, gray?—A. Gray; it is of gray Kentucky jeans.

Q. It is pretty near the old confederate uniform, is it not?—A. Pretty nearly.

Q. Patterned after that?—A. I cannot say that it is patterned after that; it is just a gray jeans trimmed with black. I hardly know what the uniform of the confederate army was during the war.

Q. Were you in the service?—A. No, sir; I was not.

Q. I suppose there were some varieties in the uniform toward the last. In the beginning I believe it was about as you describe the uniform of your company.—A. Yes, sir; it was theoretically gray, whether it was practically so or not.

Q. You have not given an explanation, then, that comes within your own knowledge as to the change of the vote, or rather the failure of

3,000 voters to vote, in your county?—A. I cannot give any reason for their not voting, Senator.

Q. To what extent do you believe the same staying away from the polls, to use the term, existed in other counties, if you have any means of knowledge on that subject?—A. I have no means of knowing, outside of mere rumor and report; none in the world.

Q. What was the difference between the vote for member of Congress in your county and the vote for the Tilden electors, if you recollect?—A. I do not recollect; I cannot tell you. If you have it there I could possibly tell you.

Q. It is not here.—A. I think there were very few votes difference.

Q. It was about the same?—A. Yes, sir; about the same. I do not think there were over eight or ten votes difference between the member of Congress and the electors. I think the ticket was voted in full when it was voted at all.

Mr. SINGLETON. There were thirteen votes against the electors and ten against me.

Q. (By Mr. TELLER.) It was about the same, then?—A. Yes, sir; just about the same.

Q. From three to five, probably, difference?—A. Yes, sir.

By Mr. SINGLETON:

Q. In the two clubs in the town of Canton, will you state whether there were colored members of these clubs or not?—A. There were. I know that they joined the clubs and took part. They were there frequently.

Q. Do you know how many belonged to each club in this town?—A. I suppose there must have been from ten to fifteen in the east-ward club, and about the same number in the west-ward club, in the city of Canton, to my certain knowledge, who united themselves openly with the club.

Q. In attending political meetings did you see colored men in procession?—A. I recollect to have seen what would be regarded as rather a remarkable procession in Madison County. On the Monday before the election there was to be a speaking. Colonel Singleton was to speak at what is known as Cook's shop, about a mile and a half from Breckville.

Q. In Madison County?—A. In Madsion County. A party of us went up from the city of Canton carrying with us our cannon.

By Mr. TELLER:

Q. Did your military company have a cannon, also?—A. Yes, sir; we had a cannon which we bought from the Government here. We wrote to the Government directly and they shipped it to us. We got that just before the election. I think we got it in October, 1876.

By Mr. SINGLETON:

Q. How many of you went up there with the cannon?—A. Eight of us went with the cannon.

Q. For what purpose did you take it there?—A. We went up to fire salutes to the clubs as they came in. We got up there, and just before we reached the ground at Cook's shop one of the marshals of the day came up and asked us to hurry. He said that the clubs from Yazoo County were just across a little distance and had been waiting some little time for us to come up so to fire a salute—to salute them as they came up. We had eight mules to the cannon. We went up as fast as we could. We got near the town, rammed in a pretty heavy charge of powder and fired it off as the Yazoo clubs came marching up to the ground. The democratic clubs from Madison County had all gathered

around the speaker's stand. When we approached the democratic clubs from Yazoo came marching up.

Q. That was the salute you fired?—A. That was the salute. As they came marching up we fired as rapidly as we could—loading and shooting. In the procession that came up there was a large number of white men and a large number of colored men. There must have been, I suppose, not less than one hundred and fifty colored men in that procession, and they were shouting and hurrahing. As they came up we fired our cannon and shouted and hurrahed too.

Q. Did they have a uniform on?—A. They did.

Q. What was it?—A. Red shirts and democratic badges.

By Mr. TELLER:

Q. You refer to the negroes?—A. Yes, sir; there must have been one hundred and fifty of them in that club. I recollect after they had gotten there a gentleman, Capt. Hal. Dudley, got up and stated that they had not anticipated so large a crowd from Yazoo, and especially so many negroes; and he said the rations were going to be very short, and he therefore hoped the white democrats would stand back until their colored democratic friends had got their dinner. I know that the colored democrats went up and got their dinner before the white democrats got anything. I will go on and tell you what I heard about the meeting. There was to be a large torchlight procession in the city of Canton that night, and we were to get back with the cannon in order to have it there to fire salutes as the torchlight procession was marching through the town. Just after the speaking commenced we therefore left there, about two o'clock. It must have been thirteen miles, I reckon, that we had to go back to the town. I should tell you of the meeting wherein one of the largest republicans in the county joined the democratic club, and wherein all the darkies who were there joined—men and women both. They took them all into the fold of the faithful.

Q. They do not seem, however, to have voted the ticket?—A. Up there at that precinct they did.

Q. Was that in 1875 or 1876?—A. It was in 1876, not 1875.

By Mr. SINGLETON:

Q. Who was the republican we took in that day?—A. John Hawthorne, a man who had come there from the North and who had been acting with the republican party until this last election. He had been what we call there a superintendent of public roads, and held several minor offices in the county. He was always a special pet of Judge Breck's, the chancellor in that district.

Q. They all joined that day?—A. That is the report. As I said, I left at two o'clock when the speaking commenced and did not see the joining, but I know they said the spirit was in the midst of them and stirred them up very much.

By Mr. TELLER:

Q. At what place was this?—A. At Cook's shop, about thirteen miles from Canton.

By Mr. SINGLETON:

Q. About the cannon, did the darkies seem to be afraid of it? What did they say about it?—A. I had charge of the cannon. The cannon belongs to our military organization, and I being the officer who was going along with it, I took charge of the cannon. They would come up and gather around the cannon while we were shooting, and ask us to let

them shoot it off. They would come up and help us to ram in the cartridges and were no more afraid of it than we were. All they knew about it seemed to be that it was one of these iron concerns and might burst.

Q. Did they enjoy the dinner, and the speaking, and the cannon, and everything else that day?—A. They seemed to be in jolly good humor. They got their dinner and marched around with their badges and seemed to be very well pleased.

By Mr. TELLER:

Q. Then this company of yours is an artillery as well as an infantry company?—A. We have one ten-pounder. It is one of these condemned Army guns.

Q. It is a ten-pounder?—A. Yes, sir; I think it a ten-pounder or a twelve-pounder.

Q. How long before the election did you get that cannon?—A. We got it in October, 1876.

Q. You made application for it some time before?—A. No, sir; we got it as soon as we made application for it. We wrote to some officer in connection with the bureau here to know what he would charge us for a gun of that character. He wrote back what he would charge, and we just raised a subscription and remitted him the money. We took it up by subscription. He shipped the gun from this point, and the carriage from Annapolis, or Indianapolis, I do not know which.

Q. What was the particular object of getting that cannon?—A. We wanted it to make a noise with, to fire salutes, and hurrah and have a good time generally.

Q. You did not need that gun to protect yourselves?—A. Not at all. There is no need for any protection of that kind.

Q. You mentioned Judge Breck, who you said was a chancellor and a republican?—A. Yes, sir.

Q. Is he a native Mississippian?—A. No, sir.

Q. How long has he lived in Mississippi?—A. Ever since 1866 or 1867. He came from Rochester, N. Y. I happen to know that, because we represent his brother in some business matter in our county; he is a man of some business.

Q. Do you know of any democratic meeting at Breckville about that time?—A. Nothing, except rumor. I heard a rumor of a meeting that same year.

Q. Is that in your county?—A. That is in our county.

Q. How far from where you were, at Cook's shop?—A. About a mile or two miles from where the meeting took place that day.

Q. Was it this same crowd that had been at Cook's shop which was at Breckville, or was it a different party?—A. I would state that the party that were at Breckville that night were a portion of the same crowd, I am told; but the Yazoo clubs, however, left in order to get across the river; I know that they began leaving about the time we did, in order to get across the river. There was nothing but one little flatboat, and they had to cross very slowly. They were all on horseback. They had to leave quite early, too. The parties who were engaged in the meeting at Breckville were a portion of the same crowd.

Q. They were Madison County men?—A. Yes, sir; they must have been Madison County men.

Q. Do you know of any indignities they offered to Judge Breck at that time?—A. I know of nothing.

Q. Did you hear of it at that time, as a matter of current rumor?—A.

I heard they gathered in front of his store and in front of Judge Breck's house down there in the lane and fired pistols, and hurrahed, and had a funeral, and dug a grave and put in a coffin, and one thing and another.

Q. Did they call on the judge?—A. I do not recollect whether they did or not, but I think they did; I think that was the rumor.

Q. They got him out and made him assist in these ceremonies?—A. I cannot say positively, but my impression is it was reported that he did come down there.

Q. He came down by compulsion, they forced him? You did not hear that he voluntarily came down and participated in those things?—A. I do not recollect whether it was reported that he came of his own will or not. My impression is that he did not come of his own wish. It was reported that they called on him to come down and take part in the ceremonies, and that he did it.

Q. What is the position that he holds?—A. He holds no position now. He was chancellor.

Q. Was he chancellor at that time?—A. He had been.

Q. What is a chancellor in Mississippi; is it a chancery judge?—A. Yes, sir. We have what we call the common-law courts and the chancery courts. They are separate, they are not blended as they are in some States.

Q. Had Judge Breck taken any special part in this campaign?—A. No, sir; none at all.

Q. Had he made himself at all officious as a politician?—A. No, sir; not that I know of.

Q. Had he taken any interest at any time in politics in Mississippi?—A. O, yes, sir; at one time he was a candidate before the republican convention for nomination for Congress. At one time before his appointment as a chancellor he became quite interested in politics. Since he has been chancellor he has taken very little interest, I think.

Q. What was the occasion, then, for the indignities practiced toward him?—A. If there were any indignities practiced towards him, I can say there was no occasion, that I know of.

Q. He is a man of character?—A. Yes, sir; a man of very good character. He is suspected of being a little sharp in trading and things of that kind; but I never heard of him being charged with any particular dishonesty. I never heard him charged with theft or robbery or murder.

Q. If he had been guilty of anything of that kind, you would have heard of it?—A. I would have been very apt to have found it out.

Q. You found out all the faults in Mississippi during the campaign of 1875 on the republicans you could, in order to change the politics of the State?—A. Yes, sir; of course we did. We searched into their record as closely as we could, and wherever we found a fault, of course we held it up to public gaze.

Q. If an attack was made on him, it was pretty clear there was no cause for it?—A. No cause that we were aware of. There was no attack made on Judge Breck at this time that I am aware of. I know there was a talk about impeaching him for incapacity when he was chancellor, but I suppose it was idle talk.

Q. That was more probably to get him out of office, was it not?—A. I do not know; I know that nothing of that kind was done. I never heard any grave charge affirmed against Judge Breck.

Q. You do not know to what extent they carried their dignities toward him that night?—A. I do not know; I could not tell.

Q. Were any steps taken to punish the parties that did it?—A. None that I know of. If there were measures taken, I do not know it.

Q. Do you know anything about the registration in your county at this last election?—A. I know some little about it.

Q. Do you know of anybody who failed to be registered who ought to have been registered?—A. I expect there were some who failed to register.

Q. Do you not know that a good many colored men were not registered who claimed that they ought to vote?—A. I can only tell you this: I was in the presence of the board of registers just before the election for a short time, I suppose an hour. While I was there a good many colored men came up, and the registers asked them with regard to the location of their residences, and when they were not able to answer the questions which the law prescribes, the register refused to register them.

Q. Will you just explain how they asked the questions?—A. Very well. For instance, the man would come up, and they would ask him his name. He would answer. They would then ask him in what portion of the county he lived, and he would answer in a certain portion, say, on a certain plantation. They would then ask him in what justice's beat, and in what portion of that beat, he lived. If he was not able to answer that question, they refused to register him.

Q. If he answered that he lived in a certain beat and could not tell on what quarter-section of land, did they not then refuse to register him?—A. No, sir; not to my knowledge. They may have done so; but while I was there, I know that question came up, and the board of registers were advised that it was unnecessary that they should answer the township or range or section of land; that it was simply necessary to answer the beat and the portion of the beat; and those questions were propounded. I saw questions of that character propounded to both white and black voters. I saw some white men not able to answer, and I saw them turned away. I heard that those colored men who could not answer the question were advised to go down-stairs and see Jeffrey, or Mr. Smith, or some of those people and find out.

Q. Did you not hear them ask them what their occupation was?—A. I never heard them ask that question.

Q. Or where prosecuted, or anything of that kind?—A. No, sir. I heard testimony to that effect the other day; but I never heard questions of that kind asked.

Q. Do you know that some of them went and found out upon what quarter-section they lived and came back with it written on a piece of paper, and they then refused to register them?—A. No, sir; I do not know that.

Q. How many negroes do you suppose there are in the State of Mississippi living on a quarter-section of land who can describe the land when away from it?—A. I do not suppose 500 in the State can do it.

Q. How many white men in Mississippi can do the same thing?—A. They can only do it by reference to a map and posting themselves.

Q. You do not know of your own knowledge that they did exclude them on that account?—A. No, sir; I do not know that they did that.

Q. But they required them to state what beat or section of a beat they lived on?—A. Yes, sir.

Q. What do you mean by that?—A. For instance, you live in beat No. 5, and then I think there is a division of some kind. I do not exactly understand it myself, to tell you the honest truth.

Q. Is there any political division of a beat?—A. I will tell you the truth. When I went there and they asked me that same question, I

did not know myself how to describe my residence, and I had to go off and inquire in regard to the matter. They had it divided up into east and west ward.

Q. Who had divided that up?—A. Well, sir, it was done by the city charter.

Q. That was done?—A. That was done. When they asked me the question, I told them I did not know, and I went back and inquired; I made it my business to post myself, and went back and registered.

Q. You said some colored men belonged to the clubs. How many colored men belonged to the democratic clubs? I do not refer to where they joined in a mass.—A. I am simply telling you about the two clubs we have in Canton. I said I supposed from ten to fifteen in each club in the city of Canton.

Q. The club was composed, then, wholly of democrats? These colored men were democrats, I suppose?—A. They united themselves with our club as democrats.

Q. Were these speeches to the clubs made out of doors?—A. The club-meetings were held in the mayor's office, in the city of Canton.

Q. Were these meetings attended by others than democrats?—A. Whenever they wanted to go; they were public meetings.

Q. Did they go as a matter of fact?—A. I have seen them there.

Q. Was it a common thing for the colored people to attend your club-meetings?—A. There were some colored people at almost every meeting we ever held.

Q. What number, what proportion?—A. There was not a very large number in the city of Canton.

Q. Then it was rather unusual for the colored republicans in your county to attend a democratic meeting?—A. No, sir; it was not unusual for them to attend.

Q. I speak of the club-meetings?—A. It was unusual for any large number to attend. For instance, two or three hundred of them would not come in there, because there were not two or three hundred white people there. Our clubs, I suppose, only numbered one hundred and twenty-five or one hundred and fifty in each ward, and I suppose ten or fifteen negroes joined in each club.

Q. How many do you think were down there at Cook's shop?—A. Besides what were there from Madison, they came over from Yazoo County; they came in procession.

Q. Do you know what number of Madison County colored men were down there?—A. I suppose there were a hundred colored folks there that were Madison County people.

Q. Colored voters?—A. No, sir; I do not reckon there were one hundred voters; I reckon sixty or seventy-five colored men, and the rest women.

Q. Was it not, from your knowledge of the requirements of the registration law, a difficult matter for a large proportion of the legal voters of your county to register?—A. It was a difficult matter if they could not answer these questions. It was not a difficult matter for them to post themselves.

Q. Are those questions fixed by the statute?—A. Yes, sir.

Q. Can you from recollection give us just what the statute says?—A. I cannot do it.

Q. By what legislature was that statute passed?—A. By the legislature of January, 1876, that law was passed.

Q. Democratic or republican?—A. Democratic legislature. The registration law was changed in January of last year.

Q. How are these registrars appointed?—A. They are appointed by the governor of the State.

Q. Are they democratic or republican in your county?—A. Two democrats and two republicans. This man Handy, to whom reference is made in the extract which you read from the Mail, was one of the registrars.

Q. Does the constitution of Mississippi determine the character of the voter? Does it state what qualification he shall possess, or anything of that kind that is required?—A. Do you mean as to property qualification, or educational qualification?

Q. Any qualification; I do not care what?—A. It fixes none that I know of.

Q. Are there no qualifications mentioned in the constitution?—A. None that I can recollect just at present. There is certainly no educational or property qualification.

Q. I suppose it says the man must be twenty-one, and must be a resident of the State?—A. Yes, sir; it says that.

Q. That is in the constitution?—A. Yes, sir; outside of that there is nothing.

Q. Does the constitution provide for the registration of voters?—A. Yes, sir.

Q. Does it say anything about what questions shall be propounded, or what statement they shall make before the registrars?—A. It does not; that is a matter that is regulated by an act of the legislature.

By Mr. SINGLETON:

Q. Do you know of your own knowledge that Judge Breck was intimidated at all or forced?—A. I do not know. I stated that it was just a matter of rumor.

Q. Do you not know the fact that the registrars took counsel from lawyers in Canton as to the questions they were to ask, and they were advised that they ought not to interrogate the voters as to the township and range and district they lived in?—A. I only know that by information.

Q. Whom did they consult?—A. My information is that they consulted Mr. R. C. Smith and Colonel Singleton, who were there; and I have been told that the questions were written out by Colonel Singleton for the board of registrars to propound to the voters.

Q. Do you not know that the questions were written down, and that the registrars were advised and told they must not inquire as to the range and district?—A. Yes, sir; that is my information.

By Mr. TELLER:

Q. Still you do not know but what they did do that?—A. I do not know that they did it in my county.

Q. You do not know that they did it in your county, but in other counties they did?—A. I do not know about that. I recollect that there was some complaint of Powell's asking questions of that character.

Q. But still you say about three thousand negroes registered?—A. No, sir; I do not think that many registered in the county. I said there were four thousand five hundred voters. That was the registration a year or two ago.

Q. I understood you to say this year?—A. What the present registration is I do not know.

Q. You do not pretend to know?—A. No, sir.

Q. That was the registration previous?—A. Yes, sir; two three years ago. I suppose it is about the same. What the registration of

the colored vote in Madison County was last registration I do not know.

Q. Do you know what the white registration was at the last registration there?—A. No, sir; I do not know. I would add to my testimony that I understand the cause of complaint against Colonel Warner was that he intended to make the negroes vote the straight republican ticket at Calhoun station, instead of the compromise ticket that had been formed; and it was feared that some violence might be done to him on that day on that account.

Q There was a republican ticket in the field and this compromise ticket?—A. No, sir; the republican ticket was withdrawn when the compromise ticket was formed. The county republican executive committee and the democratic county executive committee signed an agreement that the parties would support this compromise ticket, and that no straight democratic or republican ticket should be voted.

Q. Then it was thought that Warner proposed to vote a straight republican ticket?—A. Yes, sir; and in violation of the agreement it was supposed that he intended to make the negroes vote the straight republican ticket.

Q. You do not know whether he contemplated such a thing?—A. Not in the least; I know nothing about it.

WASHINGTON, *January* 23, 1877.

JOHN S. BURTON sworn and examined.

By Mr. TELLER:

Question. Where do you reside?—Answer. In Mississippi.

Q. How long have you resided there?—A. I was raised there.

Q. How old are you?—A. I am thirty-seven years old.

Q. You are a white man, are you?—A. Yes, sir.

Q. In what business are you engaged?—A. I am a farmer.

Q. Were you a soldier on either side during the late war?—A. I was.

Q. Which side?—A. The confederate.

Q. How long did you serve in the confederate army?—A. About three years.

Q. In what capacity?—A. I was a private in the first part of the war; an officer in the latter portion.

Q. What position did you hold?—A. I was a lieutenant in Forrest's Cavalry.

Q. Have you held any civil office in the State of Mississippi—A. I have not; never applied for one, and I do not want any.

Q. You never were a candidate for any office?—A. No, sir.

Q. What is your politics?—A. I am a republican.

Q. State what you know of the manner of conducting the election of 1875 or 1876, or both, in the State of Mississippi.—A. I can say nothing outside of my own county. I take no part in politics except to vote. I know that we had quite an exciting election there in 1875.

Q. In what county do you reside?—A. Marshall County.

Q. Go on?—A. I know of no acts of violence of my own knowledge; only common report. I speak now of 1875.

Q. State any acts of violence that were of public notoriety. I do not ask where one individual may have told you, but where it was a matter of general notoriety in the community in 1875?

(Mr. Kernan objected. Objection overruled.)

A. I do not know that I know of any acts of violence. There was just common report of intimidation to control republicans.

By Mr. TELLER:

Q Colored republicans you speak of more particularly?—A. Yes, sir.

Q. State what those acts consisted of as far as you know.—A. Just trying to control them by threatening to discharge them in the event that they voted the ticket they wanted to vote, the republican ticket.

Q. How general did that seem to be in 1875 in your county?—A. It was a very common thing. I might say they were all that way.

Q, From whom did these threats come; from democrats?—A. Yes, sir.

Q. White democrats?—A. Yes, sir; land-owners.

Q. About what is the total population of Marshall County?—A. I cannot state the total population. I think we have over 6,000 voters.

Q. What proportion of those, if you know, are colored men?—A. There is a majority there; I think the colored registered majority last year was over 400.

Q. Four hundred more colored voters than white?—A. Yes, sir.

Q. What has been the politics of the county heretofore in years back?—A. Up to 1875 it was republican.

Q. What was it in 1875?—A. I think there was an average of 500 democratic majority.

Q. You may state if you know of any acts of violence, of intimidation, or any acts calculated to intimidate and deter voters from voting in 1876 in your county; and, if so, state the particular acts.—A. Nothing, as I stated before, of my own knowledge; nothing but common report. I have had negroes come and tell me that they were discharged. I did remember one man; but it is something I do not busy myself about. I take as little hand in politics as almost anybody, although I have a good deal of feeling in it, because I do not think there is any use in it.

Q. Explain what you mean when you say you think there is no use in it?—A. I think it is the intention of the democratic party to carry the election down there under any and all circumstances.

Q. What do you mean by that? Do you mean to say it is their intention to carry it by means not fair? Is that your idea?—A. Yes, sir; that is what I think.

Q. State why you think that.—A. Only from their conduct; and, as I said a while ago, by their threats to control the colored man, who is the republican there, by telling him they will discharge him or refuse him employment if he votes his ticket.

Q. Do you know of any instance of colored republicans being discharged for voting the republican ticket?—A. No, sir; only from common report there.

Q. Common report that that has been done?—A. Yes, sir.

Q. When you say "common," explain how common; whether it is a matter conceded by the democrats?—A. I think it is.

Q. Treated as an established fact in that community that men are discharged for exercising their rights at the polls?—A. Yes, I think it is. I do not think it amounts to anything after the election, because I frequently see the very men, or some of them that I heard had been discharged, employed again. It is done for effect, and has its effect.

Q. Is that held *in terrorem* over the voter before the election?—A. All the time.

Q. By what proportion of the white people of the country is that resorted to before the election ?—A. I do not know that I could say that.

Q. A large proportion ?—A. A large proportion of them ; I cannot say what proportion.

Q. Do you know what the disposition of the land-owners and planters generally is toward the colored republicans of that section ?—A. It is very bitter.

Q. Is that confined to black republicans or does it extend to republicans generally ?—A. I believe that they have worse feelings towards a white republican than they do to a black one.

Q. Have you some white republicans in your county ?—A. Yes, sir.

Q. What are they ; northern or southern men ?—A. We have some of both.

Q. Are there any other republicans besides yourself who were in the confederate army ?—A. Yes, sir; Mr. Graham is a republican, Mr. George M. Buckhannon, Mr. Mahon, Mr. Lacy. I do not know that I can mention any more.

Q. Are they all white men ?—A. Yes, sir.

Q. Natives ?—A. I believe so. I do not know that they are native Mississippians, but they are southern men.

Q. Were they all in the southern army ?—A. Every one of them.

Q. You say that the feeling is bitter. State how that feeling is shown. What disposition is manifested toward republicans ?—A. Ostracism is something very hard to define.

Q. Define it as well as you can.—A. Whenever an election is going on, it is shown by men refusing to speak to you, passing by you in town as if they did not know you.

Q. Do they cut your acquaintance ?—A. Yes, sir ; I do not know that it is carried any further than that. All of which is very disagreeable to a man that has much fine feeling about him. I do not mean to be understood as speaking disrespectful of the southern people. It is politically that I am speaking of. I think that the southern people are an honorable people and an honest people, and they are gentlemen ; but I think that during a political campaign a great many of them, most of them, leave their consciences at home.

Q. You mean they allow their prejudices to run away with them ?—A. Yes, sir ; as soon as it is over, generally, after the election, it is all right.

Q. Does that extend to the social relations between families during this time, to any extent ?—A. I cannot say that it does. There are some men among us, gentlemen, that are commonly termed carpet-baggers, from whom I have heard complaints of being ostracized. I do not think it extends to any southern people. When you meet southern men they talk about his being "pretty rotten." That is the expression they generally use. I do not think it goes to the female portion of the community.

Q. You do not think it extends to the social matters of family of southern people as much as it does to carpet-baggers ?—A. No, sir.

Q. You speak only of your own county in this ?—A. That is all. I take no part in politics. It is very disagreeable down there during the campaign. I generally go into my office and shut myself up.

Q. Your county is rather an exception—a peaceable county—more so than most counties, has it not been ?—A. From what I hear and see in the papers, it must be so.

Q. State what you mean by carpet-baggers in your section.—A. It refers to gentlemen who are northern men—men that were in the Fed-

eral Army—who have come down there since the war. The democrats accuse them of coming there for office only. I have seen some of them that I thought were objectionable, but I have seen some very clever men.

Q. Some of these northern men have held office, I suppose, and some have not?—A. Yes, sir; I believe the large majority of them, though, have held office.

Q. Is the great mass of the republican party in your county composed of colored men?—A. Yes, sir; by nature they are republicans.

Q. Do you think that the colored man is naturally a republican?—A. I certainly do.

Q. Suppose the negro is left unbiased by anything except moral suasion, how would he vote?—A. I think the republicans would have about all of them. There might be a baker's dozen in every thousand who would vote the democratic ticket. I think the only way to get the republicanism out of them is to shoot them.

Q. In your county, then, at the last election, things were pretty peaceable?—A. Very peaceable.

Q. Do you know what the republican vote was in that county at the last election—whether it was an average or not?—A. That I cannot say, only from what I have heard. I have never examined the reports.

Q. You say that there is considerable feeling against republicans in that section. Do you know whether that feeling extends so as to make it difficult for them to receive proper treatment in the courts of the country?

Mr. KERNAN objected.

(Objection overruled.)

The WITNESS. I think it does.

By Mr. TELLER:

Q. State your reasons for that opinion.—A. I have noticed for the past six months, or perhaps a year, that it seemed to be the object of the democratic party to break down the character of men that had been prominent republicans by indicting them for some frivolous offense.

Q. To what extent has that been carried, according to your observation, in your county?—A. I know several instances. I know a case in La Fayette County—the county adjoining ours. A gentleman by the name of Pierce, United States marshal, had some difficulty there with a democratic editor. I forget the gentleman's name.

Q. What did they indict him for?—A. Pierce had challenged him, and he could not get redress, and he posted him.

Q. State what you mean by posting?—A. I only state this from general rumor.

Q. Is it a matter of common talk and notoriety?—A. Yes, sir.

Q. Then you may state it.—A. By "posting" I mean that he refused to accept the challenge, and he just posted him as a vile scoundrel, or something of that kind.

By Mr. KERNAN:

Q. Pierce posted the editor?—A. Yes, sir; he sent him a copy of the poster, and told him that he would stand by that; that he (Pierce) would post it, and would for some minutes, or probably half an hour, or an hour, be by it with his gun. I believe that that ended it until the circuit court came on, and then my understanding and belief is that they indicted Mr. Pierce for libel.

By Mr. TELLER:

Q. In this poster?—A. Yes, sir.

Q. Was he ever prosecuted?—A. I do not know whether he was prosecuted or not. Another case is of Mr. Lee who was a candidate for Congress; I do not know in what district. He was a former sheriff there. He was a southern man. He was indicted for misdemeanor.

Q. Was he prosecuted?—A. Not yet. He told me—I have this from Mr. Lee himself—that he asked the case to be brought up and they refused it, and it is now pending.

Q. Was Pierce a southern man?—A. I do not know. My understanding is, however, that he is a northern man, but I do not know.

Q. But Lee is a southern man?—A. Lee is a southern man.

Q. A native of Mississippi?—A. I think he is a Texan.

Q. Was he a member of the southern army?—A. All the time, I think. He went in at the commencement and staid until it was over.

Q. And was a candidate for Congress, you say?—A. Yes, sir; last year, 1876.

Q. Do you think of any other instance of what you considered frivolous indictments being found against republicans?—A. Yes, sir; I was a witness to a case of the same sort in our circuit court at Holly Springs. A prominent republican gentleman there was indicted for misdemeanor.

Q. Do you mean you were a witness in the case, or only at the court?—A. I was at the court. I believe I was a witness in the case too.

By Mr. KERNAN:

Q. What did you say he was indicted for?—A. Misdemeanor.

By Mr. TELLER:

Q. Who was it?—A. Mr. George M. Buckhannon, the former sheriff of the county.

Q. Was that prosecuted?—A. It was.

Q. What was the result?—A. At his request—I should say only at his demand, it was prosecuted.

Q. What was the result of the prosecution?—A. He was exonerated, found not guilty.

Q. What was the political complexion of the petit jury that acquitted him?—A. It was composed of twelve men, nine of whom were democrats, and three colored men who had voted the democratic ticket in 1875.

Q. So they really were all democrats?—A. All democrats.

Q. Do you know what was the complexion of the grand jury that indicted him?—A. I think there were nineteen members of it, seventeen of them democrats, and two badly bull-dozed republicans.

Q. Explain what you mean by these bull-dozed republicans.—A. I mean that they were more or less under the influence of the democrats, and were suspected all the time when in the grand-jury room.

Q. What was the judge of the circuit court, a democrat or republican?—A. He is a democrat. I think he was a former whig.

Q. You were present at this trial?—A. I was.

Q. Do you know what the conduct of the judge was with reference to it, as far as you could observe?—A. I thought that it was the most bitter thing I ever witnessed.

Q. Bitter against the defendant?—A. Bitter against Mr. Buckhannon.

Q. Anxious for conviction?

Mr. KERNAN. You had better confine the question to what he said.

The WITNESS. I never did see and never expect to see a man that was as anxious to get a verdict of guilty.

Q. (By Mr. TELLER.) Go on.—A. I wish to state that the action of the State's attorney was what I considered altogether fair in the whole trial.

By Mr. KERNAN:

Q. Was he a republican or democrat?—A. One of the best democrats you ever saw, a school-mate of mine.

By Mr. TELLER:

Q. An honorable gentleman?—A. An honorable and high-minded gentleman.

Q. His conduct was fair on the trial?—A I think so. I think he had very little heart in the prosecution. I think the prosecution was conducted from the bench.

Q. Do you know anything about the course of the judge in procuring this indictment against Buckhannon?—A. I do.

Q. State what you know.

By Mr. KERNAN:

Q. Were you there when the indictment was procured? Do you speak of what you heard or saw the judge do, or from information?—A. I believe I saw everything in the world that was done.

Q. At the time the indictment was found?—A. I was not in the grand-jury room, of course, when the indictment was procured.

By Mr. TELLER:

Q. But you were in attendance upon the court?—A. I was.

Q. Proceed.—A. The judge took more interest in it than ever I saw a judge take in any case. In the first place he had the assistant auditor there, with a transcript of everything that was in the office at Jackson, and after that was examined—I do not think it panned out as he wanted it to pan out—he was telegraphing to Jackson for more proof.

Q. The judge himself?—A. The judge himself was doing this. I knew that he had written to a gentleman who formerly lived in Holly Springs, a man by the name of Faulk, to send him a transcript of Mr. Buckhannon's statement with the auditor at Jackson, and I know the foreman of the grand jury was waiting for that letter, or at least was hesitating about bringing it in; the true bill had never been returned into court, and I hoped that it was killed. Mr. Buckhannon had some friends in there, I thought.

Q. On the grand jury?—A. On the grand jury. I speak of that as a guess more than anything else. When this letter came, I think I can almost positively say it was sent to the grand-jury room by the judge of the court.

Q. This letter in reply to his?—A. Yes, sir. Whether the grand jurors ever saw it, or knew its contents, I do not know. I only judged by the true bill being returned immediately.

Q. Do you know anything about the grand jury having been increased and persons having been added pending this investigation?—A. They had some very clever men on it at the start. They were let off, whether at their own request or not I do not know, though I think it was, and it was re-inforced twice, I know.

Q. How many men were put on who were not originally on it?—A. I think there were two or three, or perhaps four the first time. The second time there were two.

Q. Was it generally understood that the grand jury was endeavoring to find an indictment?

Mr. Kernan objected. (Objection overruled.)

The WITNESS. It was generally believed that the true bill was pending. I would state, further, that after the true bill was in, I had hoped it would be killed, as Mr. Buckhannon's friends had. Of course, it put

him to trouble. When the true bill was brought in, I was standing at the clerk's desk. The old judge was sitting about where you are sitting, Mr. Chairman, and the grand jury was standing in front. He held the true bill up that way, [indicating,] and I saw "George M. Buckhannon" written across. Buckhannon came up, and I said to him, "Buck, that thing is in." "Well," said he, "I want it to come up right away." I then went to the circuit clerk, and asked him if there was anything against Mr. Buckhannon. He said he did not know whether there was or not. Buckhannon had to go to Jackson, Miss., on some business, and said I, "He wants you, if any bill is there, to issue a capias on it." He says, "If he wants to go to Jackson, let him go on." I told him that if he did, these fellows would say that he had run off. He then told me that he had been instructed not to issue a capias on it by the judge. I went back and told Mr. Buckhannon that. He then went to his lawyer, Colonel Harris, a very good democrat. Colonel Harris asked the court if there was a true bill. The old judge told him that there was, but that Mr. Buckhannon was in the midst of a heated campaign there, and that he did not want it to get out. I think his object in that was——

Mr. KERNAN, (to the witness.) Wait. Have you given what the judge said when Harris asked him?—A. He said he did not want it to become known, and that he would wait until after the campaign was over. That was about the suggestion.

Mr. KERNAN. Now, I object to what he thought the judge meant. He was going to state——

The WITNESS. I state positively that the judge did say that to Buckhannon's counsel.

Mr. KERNAN. I object to your opinion as to what the judge's intention was.

(Objection overruled.)

The WITNESS. I think his intention was to hold it over Buckhannon during the campaign; in other words, I think he wanted, if Buckhannon got up to make a speech, to have some one in the crowd to get up and ask if there was not a true bill found against him.

By Mr. TELLER:

Q. Was it a matter of notoriety then that the bill was found, so that the clerk's not issuing the writ would not have concealed it from the public?—A. Not at all. It was a matter of notoriety. As a proof of that, what made me believe it still further, the next day the paper that is printed at Jackson, Miss, the Clarion——

Q. A democratic paper?—A. Yes, sir.

Q. Go on.—A. It came out with an article headed "Another one of the faithful impeached," or something to that amount. "A member of the national executive committee indicted for embezzlement." Mind you, he was not indicted for embezzlement, but for misdemeanor.

Q. Was he a member of the national republican committee?—A. He was.

Q. That was generally known in Mississippi?—A. Well known. I do not know where the man who wrote this letter or sent this telegram got this information. I do not know where he could have got it from unless from the judge of the court, or the clerk, or the foreman of the grand jury. Until the capias is issued the law is that it shall not be made public. This convinced me that I was about right; that it was clap-trap about holding it up.

Q. What was the distance from that place to Jackson?—A. One hundred and eighty or two hundred miles.

Q. It must have been telegraphed them in order to appear in the paper next day?—A. I do not know whether it was telegraphed or not. It may have been the second day afterward.

Q. Was that matter telegraphed pretty generally throughout the State, that he had been indicted, or telegraphed to northern papers?—A. I think it was in several of them. I think it was in the New York Sun and in a Saint Louis paper; I did not see it in the Louisville paper. I know it was in several of the northern papers. Now I wish further to state that a gentleman by the name of Calhoun, who was the democratic candidate for mayor of our town—he is a nice gentleman and I voted for him myself—is the editor and owner of the paper there, the Reporter, who came out in his paper and said that Mr. Buckhannon had been tried for a misdemeanor and that he was honorably acquitted. He said, "This much for a man with whom I have always differed in politics." Mr. Calhoun, I say, was a candidate for mayor afterward, and he told me that the deputy sheriff had told him that several of his democratic friends said that they would be damned if they would vote for him because he had printed that notice about Buckhannon. Calhoun told me that he sent him word back to go to hell; that he did not care whether he voted for him or not. I only mention that to show the result of doing a man justice by only saying he was honorably acquitted; when a set of men can tell their candidate they would be damned if they would vote for him.

Q. Do you know of its being denounced by other prominent democrats besides this gentleman as a political job?—A. I have heard some of the bitterest men there, whom I knew to be the bitterest men, say that it was about the smallest thing they ever saw a gentleman engage in.

Q. The indicting of Buckhannon?—A. Yes, sir. I have heard democrats say that; and the republicans denounced it generally.

Q. You have spoken of Mr. Pierce posting a democratic editor. Is this posting business a common thing down there?—A. I believe when they challenge a man down there and he does not fight, they generally post him.

Q. You have known that to be done before?—A. I do not know. They are generally denounced through some paper. I saw a case of it. Two gentlemen, by the name of Watson and Massey, were democrats. An article had appeared in Massey's paper in denunciation of Watson's father, from which correspondence ensued. Massey did not respond, as they thought, and he was denounced in the paper.

Q. Have you ever known anybody except Mr. Pierce to be indicted for doing that?—A. I have not.

By Mr. KERNAN:

Q. Have you any law prohibiting the posting of men in your State?—A. I do not know.

Q. Is there any law against challenging or accepting a challenge?—A. I think there is.

Q. Is there not also a law against provoking a breach of the peace by posting?—A. I do not know.

Q. Pierce was indicted for misdemeanor, either the challenge or the posting, one or the other?—A. Indicted for libel, I understood.

Q. You have not got a copy of what he posted?—A. I have not.

Q. You say Mr. Pierce was a northern man?—A. That is what I thought; I do not state that for a fact.

Q. What office had he held?—A. United States marshal.

Q. When was that that he was United States marshal?—A. Last year, I think.

Q. When was this challenge and the posting?—A. I think it was in the latter part of the summer.

Q. Was he marshal at the time he challenged and posted?—A. That was my understanding.

Q. What has become of that indictment? Has it been tried or not?—A. I do not know.

Q. That is one evidence of the unfairness of the administration of justice which you give?—A. Yes, sir.

Q. Where does Mr. Pierce live?—A. Mr. Pierce lives in Oxford.

Q. When was it that Mr. Lee was a candidate for Congress?—A. Last year.

Q. And when was this indictment found?—A. I cannot say. It was about the time, though.

Q. Before he became a candidate or after?—A. I do not know that.

Q. Have you any personal knowledge about this indictment, how it happened to be found?—A. Only from what Mr. Lee told me himself.

Q. You have no other information except what Lee said? What was the offense alleged against him, as you understood?—A. Something in his office; not keeping some items in his cash-book which the law required in his office.

Q. As sheriff?—A. Yes, sir.

Q. It was for some violation of his duty as sheriff?—A. Yes, sir.

Q. Have you any personal knowledge about it?—A. I have not.

Q. You do not know whether the allegation was true or not?—A. I believed it to be true. I think he is a gentleman. I do not think he would tell a falsehood about it.

Q. You do not understand me. As to the allegation in the indictment, the charge against him, have you any personal knowledge whether that was true or not?—A. No, sir; of course not.

Q. Have you any personal knowledge about the proceedings of the grand jury when he was indicted?—A. No, sir.

Q. You were in there?—A. No, sir.

Q. Mr. Buckhannon is a friend of yours, I infer?—A. Yes, sir.

Q. And he was indicted in your county of Marshall?—A. Yes, sir.

Q. When was he sheriff; when did his term cease?—A. His term ceased in December, 1875.

Q. Were you one of his deputies?—A. I was not.

Q. In no way connected with him in the office?—A. I was in his office a good deal.

Q. In what capacity?—A. Only as a friend.

Q. You were intimate with him and were his friend and had a good deal of feeling about this attempt to indict him?—A. I had as much as anybody.

Q. And you attended at the court?—A. Yes, sir.

Q. Did you talk with some of the grand jurors while the thing was out, before the bill was found?—A. Yes, sir.

Q. How many of them did you talk with?—A. Only one.

Q. You expressed your views to him about it, I suppose?—A. I did.

Q. What we call laboring with him a little against the righteousness of finding a bill?—A. My conversation with him was this: I told him Buckhannon did not fear anything if he would just not allow them to drag politics into it.

Q. Did you know that it was not a dignified and proper thing to do

to talk with a grand juror?—A. O, yes; but it is something that is generally done.

Q. He was in fact tried by what you call, substantially, a democratic jury and acquitted?—A. Yes, sir.

Q. How are your grand jurors selected?—A. It is the intention of the law to name them. We have five supervisors, and each supervisor has a right to name three or four men.

Q. How often do they name them?—A. Twice a year.

Q. Do they actually name them, or do they send a certain number from their political divisions? Do you not have them drawn from a box at all down there?—A. No, sir; that is the petit jury that we draw from the box.

Q. How many do they name, and to whom? To the county clerk?—A. To the circuit or chancery clerk, I do not know which.

Q. Each supervisor names four or five to him?—A. About three or four.

Q. How many does that make in your county?—A. Twenty; we have five supervisors.

Q. Are they drawn by the clerk, then, from the box, or does he just take the men the supervisors name?—A. He takes them; but those men when they are drawn are hardly ever there, or, at least, the greater portion of them, and the grand jury just fill up with Tom, Dick, and Harry about there.

Q. If the men whom the supervisors name do not attend, who summons talesmen, as we call them?—A. The sheriff.

Q. The sheriff summons men to fill their places from the by-standers?—A. Yes, sir; and that is where the professional juror comes in.

Q. Do you remember how many of those named by the supervisors appeared when they were called on this occasion?—A. I do not.

Q. Did one, two, or three of them get excused?—A. I think they did.

Q. And then the sheriff summoned others?—A. Then the sheriff summoned others.

Q. That is the way it was done?—A. Yes, sir.

Q. Has the judge anything to do with summoning them?—A. No, sir.

Q. Who is this judge; what is his name?—A. John W. C. Watson.

Q. Where does he live?—A. In Holly Springs.

Q. Is he a circuit judge?—A. Yes, sir.

Q. How was he made, by appointment or election?—A. Appointment.

Q. By what authority?—A. By the governor, and confirmed by the senate.

Q. When was he appointed?—A. He was appointed in April or May, 1876.

Q. Who was the governor that appointed Judge Watson?—A. I think it is a senator named Stone. I do not consider him governor. He is acting governor.

Q. In whose place was this gentleman appointed?—A. Andrew Davis.

Q. Had his term run out?—A. Yes, sir.

Q. How old a man is this judge?—A. Sixty-eight or seventy years of age.

Q. Does he live in your county?—A. Yes, sir. I wish to be understood as not reflecting anything on Mr. Watson's character for personal integrity. I think he is an honorable man.

Q. This Judge Watson has lived there all his life?—A. Yes, sir.

Q. He is a man of good character?—A. Yes, sir.

Q. As a lawyer and upright man as you understand?—A. He is an able man; an honorable gentleman, but his politics——

Q. You think he has prejudices from politics?—A. I think instead of bringing his law down to the court-house, he leaves his law at home and brings down his prejudices.

Q. Before he was put on the bench, was he a politician or known to be active in politics?—A. The most vindictive one I ever saw.

Q. Did he take an active part or otherwise?—A. Yes, sir.

Q. Was he not one of the leaders of what was called the conservative element there?—A. I do not think we have got anything of that sort there.

Q. What act did you see him do while this grand jury was out before it brought in the bill? That you can mention as indicating what you thought was prejudice.—A. Several times during court I saw him send down for the foreman of the grand jury to bring him up into court and he was whispering to him. I thought that was suspicious.

Q. You were whispering outside to some member. Did you know what he whispered?—A. No; I did not.

Q You do not know what he said to him?—A. Of course not.

Q. Was there any act other than that which excited your suspicion?—A. I cannot say that there was; only I saw him in company with the foreman of the grand jury constantly after that, and I thought they were talking things over.

Q. Aside from that, did you see anything else before the bill was brought in?—A. No, sir.

Q. I suppose there were other charges pending before the grand jury in other cases?—A. Yes, sir.

Q. When the indictment was brought in you said that you happened to see his name?—A. Yes, sir.

Q. The judge made no disclosure that you know of?—A. No.

Q. But you saw it, and you told your friend Mr. Buckhannon?—A. I did.

Q. And he probably told some of his other friends, did he not?—A. I do not think it is likely he would go out and tell the people.

Q. He got his counsel to come in and he told him, I suppose?—A. Not until after I had applied to the clerk.

Q. Did the counsel make this inquiry openly of the judge, or was it privately between them?—A. I believe he did it openly. I cannot say positively about that.

Q. You think he in open court asked the judge if a bill had been found, and the judge said he was in the midst of a heated canvass, and did not want it known?—A. Yes, sir.

Q. That was said in open court, you think?—A. I do not know. I cannot say whether that was or not. The court was there, but whether it was said quietly or openly, I do not know.

Q. Did you hear the inquiry?—A. No. I knew that it was being made.

Q. You do not know whether it was made openly or secretly?—A. I do not. I do not think that that amounts to anything either way.

Q. What do you know about the judge's telegraphing for copies of records of your own knowledge?—A. I saw a copy of a telegram afterward, which was sent to Mr. Buckhannon by one of his friends from Jackson, that Judge Watson had telegraphed to ———, sending Mr. Buckhannon a copy of Watson's telegram.

Q. What did Watson's telegram ask for?—A. Just a record of something there in the auditor's office. I do not know what.

Q. It was asking for some record from the auditor's office and about this case?—A. Yes, sir.

By Mr. TELLER:

Q. Was that sent during the trial?—A. During the trial. I did not see a copy of it afterward.

By Mr. KERNAN:

Q. The judge's dispatch was not before the indictment was found?—A. No, sir.

Q. What do you know about his writing a letter to some one that you mentioned in connection with the grand jury, I think?—A. This friend of mine told me that the foreman had told him that Mr. Watson had written to Jackson, Miss., to a friend, a letter concerning his——

Q. To get what, did you learn—some document from there?—A. To get a transcript from the office, and that was what I thought they were waiting for. The true bill was never brought in until after that.

Q. But whether that went before the grand jury or not, you did not learn?—A. The letter went into the grand-jury room. Whether they saw it or read it, I do not know.

Q. If they did, it was some transcript of some record at Jackson, which the judge asked the officer to send him?—A. I do not know. I know there was a letter sent from Mr. Watson during court into the grand-jury room. Whether it was a transcript from them or a letter from a man saying such was the case, I do not know. I was speaking of the impropriety of the letter being sent into the grand-jury room.

Q. But you did not see the letter nor what it contained?—A. Of course I did not.

Q. And you understood it was a letter written to get a transcript of something from Jackson?—A. Yes, sir.

Q. Were there any men outside of the court who knew immediately of this bill being found besides from the court or from being in the court? Did they not learn it from the grand jury?—A. I suppose so. It was the general desire and hope they would find the bill.

Q. There was a good deal of political prejudice I infer?—A. A great deal.

Q. Many democrats had said this was a small business of indicting Buckhannon?—A. The smallest they had even seen gentlemen pretend to engage in. A gentleman who had not spoken with myself for six or eight years I shook hands with upon it.

Q. I understood you that in 1875 or 1876 you had no knowledge of your own outside of your own county?—A. Not a bit.

Q. You do not know of any violence in your county during either of these elections?—A. I do not.

Mr. TELLER. We do not claim that there was any in that county.

Q. (By Mr. KERNAN.) What you know about men being threatened with being turned off, as I understand, is hearsay, and you did not hear such threats yourself?—A. I state it just on notoriety—on rumor. I never busied myself in hunting up such cases.

Q. You never heard any of these persons threaten a man that if he voted one way they would discharge him from their employment?—A. I never heard any threatening. If I was standing in a crowd and such a thing as that was going off I would walk off. I never wanted to hear it.

Q. In 1875 there was an effort made by the democrats. Was it with reference to national affairs that their anxiety and solicitude was? In a word, what I want to get at is your idea whether the democrats at that time were not very anxious to get control of the State government?—A. Yes, sir.

Q. That was the thing?—A. Yes, sir, that was the case. I heard a great many of them say that it would be much the best to have their State affairs than to have the President.

Q. Is it not true that both in 1875 and 1876 their feeling and their anxiety was about the State election rather than about the President in your State?—A. I think they were fully as anxious to elect Mr. Tilden as they were to elect the State officers. You see the State officers did not come up in 1876.

Q. But in 1875 it was a very earnest canvass to get control of the State government?—A. Yes, sir.

Q. Is it not true that in 1875 they in their discussions were urging, right or wrong, that there was maladministration of their State, and they wanted to get control of it themselves?—A. They urged that.

Q. In reference to prejudice against northern men of which you speak, is not this bitterness toward republicans against what they call and you all call "carpet-baggers?"—A. It is not.

Q. Is there not great bitterness against them?—A. O, yes, sir; I thought you asked the question whether it was not against them rather than against the home-men.

Q. No; whether there is not a special feeling of unkindness and prejudice against these northern men who have held office?—A. Yes, sir; there is a great prejudice against them.

Q. It is not true that most of the northern republicans who are down there are men who have come there to hold office?—A. Yes, sir; I should say most of them. There are some democrats there, northern men, who are just as anxious for office as the others, but they cannot get any.

Q. They were prejudiced against the fellows who came down from the North?—A. Yes, sir.

Q. How many of these gentlemen have staid there to live among you after they have ceased to be officers?—A. I do not think they staid there much longer than it would take them to buy a box of paper collars.

Q. After the offices went they did not stay to make their lot with you?—A. No, sir; I do not want it to appear that I am speaking disrespectfully of these northern men. Among these northern men, gentlemen who came down there that they call carpet-baggers, I have found some as clever men as anybody.

Q. In 1875 was Mr. Wells running in your county?—A. Yes, sir.

Q. Is he a southern or a northern man?—A. A northern man.

Q. There was a split among the republicans, was there not?—A. Yes, sir.

Q. He was not the regular candidate?—A. No, sir.

Q. Who did the democrats support, or did they split too?—A. I think they supported Wells last year. I do not think they supported him much this year.

Q. Generally, you say, after the campaign is over, the bitterness drops down again toward the southern men and toward the negroes?—A. Yes, sir.

Q. You have seen them working for the very men who said they would turn them away if they voted wrong?—A. Frequently the case; they tell him he has acted badly once, but go on.

Q. These carpet-baggers, you said, were mainly men who were in the Federal Army, and then staid there since?—A. They were northern men. I do not know whether they were in the Army or not.

Q. That is all.—A. I want to be put on the record again in speaking of southern men, that I consider them honorable and good men, all of them, but they are democrats. I want that to appear on the record.

By Mr. TELLER:

Q. That I believe you stated before?—A. Yes, sir.

By Mr. KERNAN:

Q. It is their political prejudice that you object to?—A. Yes, sir.

By Mr. TELLER:

Q. You say this hostile feeling is not confined to northern republicans who go there?—A. O, no, sir.

Q. Is there any objection to northern men if they come there and are democrats, as far as you have observed?—A. No, sir.

Q. It is, then, the politics, and not the location a man comes from, is it?—A. Yes, sir; the politics.

Q. You say that you think that the northern men have mostly left. Can you give any reason why they are likely to leave? Is it agreeable for a northern man to live there?—A. I should not think it was.

Q. Is it agreeable for any republican to live there? Is it not somewhat difficult or unpleasant?—A. During a campaign it is unpleasant; but afterward it is all right.

Q. It continues all the time, you say, unpleasant for northern men?—A. O, yes. I should think I would not stay there over sixty seconds if I was one. I speak now of a politician.

By Mr. KERNAN:

Q. Is there any objection to northern men who come down on business who do not become active politicians?—A. I think their business would be very small. There is a natural jealousy among business men, you know.

Q. But suppose a man comes and buys a plantation and goes to working it, not being what we call a politician?—A. I should say that if he voted with the democrats he would be all right. He might buy the biggest plantation in our county, but if he was a republican they would be bitter against him.

Q. During the election?—A. Or any other time.

By Mr. TELLER:

Q. Senator Kernan asked you about the anxiety to get possession and control of the State government, and whether they did not urge that the finances, &c., were in bad condition; that there had been bad management. State, if you know, what was the true condition of affairs; whether that was a true charge, or whether it was a pretence.—A. Judging from the State debt I should think it was a pretence. From the governor's message, Mr. Stone's message, I see that the State's debt is $1.100,000. I think, however, that there were pamphlets circulated during the campaign that it was several millions, probably as high as $5,000,000. That would show that it was for effect. I think there are very few other States that have as little debt as we have.

Q. Is not that to be reduced by taxes not collected?—A. I think so.

Q. About how much would that reduce the State debt?—A. I do not know.

Q. Taxes were due that would in some measure reduce the amount of the debt at the time stated?—A. I think so.

By Mr. KERNAN:

Q. Do you remember how the credit of your State stood, as to its State bonds, under Governor Ames?—A. Yes, sir; I dealt a good deal in bonds and State scrip.

Q. Did they differ any from now?—A. Just before Governor Ames left us, I think I bought and sold bonds at 80 odd cents.

Q. Have they been higher or lower since, in 1876?—A. I think higher. I think the bonds are worth more.

Q. Do you mean to say that you think the administration was an economical and satisfactory one under Governor Ames, and for a year or two prior?—A. Well, sir, whilst the taxation was heavy, I think that the debt will show that it must have been economical as compared with other States.

Q. Were the taxes heavy during his administration?—A. Yes, sir.

Q. Was complaint made of that at the time?—A. Yes, sir; a good deal.

By Mr. TELLER:

Q. Complaint was made by democrats, I suppose?—A. Yes, sir.

WASHINGTON, D. C., *January* 24, 1877.

JAMES W. LEE sworn and examined.

By Mr. MITCHELL:

Question. Where were you born?—Answer. In Alabama.

Q. Where do you live now?—A. In Aberdeen, Mississippi.

Q. In what county is that?—A. Monroe County.

Q. How long have you lived in Monroe County, Mississippi?—A. A little over eleven years.

Q. What has been your occupation since the war?—A. I have been engaged in merchandising from 1865 to 1871, and then I have held a few official positions.

Q. What official positions have you held?—A. I was mayor of the town of Aberdeen, and I was sheriff of the county.

Q. In what years were you sheriff?—A. 1873 and 1874.

Q. What other official positions have you held?—A. I have held no other, except that I have been United States commissioner there under the circuit court.

Q. Were you the republican candidate for Congress in 1876?—A. I was in the first congressional district.

Q. Did you take part in the war?—A. I did.

Q. On which side?—A. On the confederate side.

Q. You fought through the war?—A. I did four years.

Q. Who was your competitor for Congress?—A. Col. H. L. Muldrow.

Q. Did you canvass the district?—A. I did partially.

Q. Was it a joint canvass with your opponent?—A. It was.

Q. How many counties are included in that district?—A. Eleven: Tishomingo, Alcorn, Prentiss, Itawamba, Pontotoc, Lee, Chickasaw, Monroe, Clay, Lowndes, and Oktibbeha.

Q. In how many of these counties did you speak?—A. I spoke in all these counties except Oktibbeha and Lowndes, two of the strongest republican counties in the district.

Q. You did not speak in Oktibbeha or Lowndes?—A. No, sir.

Q. If Oktibbeha and Lowndes are two of the strongest republican counties in the district and you were the republican candidate for Congress, I should like to know, as a matter of curiosity, why you did not speak in those counties?—A. I was not permitted to speak in those two

counties, and I was advised by leading democrats as well as by the leading republicans not to attempt it. I did, however, attempt it.

Q. When and in which county did you make the attempt to speak?—A. I will just state here that about the last of October, on a Monday, I spoke at West Point, in Clay County; it is the county-seat. There was considerable disturbance, and at first I thought they were not going to allow me to speak. I had been told before I went there that I would not be permitted to make a speech at that point. They did, however, permit me; but after I had finished they positively refused to hear the candidate for elector, and did not hear him.

Q. The republican candidate for elector?—A. The republican candidate for elector; and he left and was pursued some distance by a body of democrats in uniform with large revolvers, all thoroughly armed.

Q. Who was he?—A. W. D. Frazee; he was the republican candidate for elector.

Q. Do you know how many people were at that meeting?—A. It is a large court house hall, and it was filled, completely filled. I suppose there were twelve hundred or fifteen hundred.

Q. How divided proportionately in reference to color?—A. Pretty equally divided.

Q. Was that advertised as a joint meeting or a republican meeting?—A. As a joint meeting.

Q. Who were to speak on the different sides?—A. Myself, Colonel Muldrow, and Judge Frazee, the republican candidate for elector, and Judge Acker.

Q. Who spoke first?—A. Colonel Muldrow.

Q. Who followed?—A. I followed.

Q. Who then?—A. Judge Acker, I believe.

Q. Democratic candidate for elector?—A. Yes, sir.

Q. Then what happened?—A. Then Judge Frazee, the republican candidate for elector, was to follow, but they would not hear him, and did not hear him.

Q. Did he attempt to speak?—A. He did, several times.

Q. What did they do?—A. They hissed and hooted and hallooed, and would not permit him to speak at all.

Q. Who did this, the democrats?—A. The democrats. I will state, too, in this connection, that on the Saturday preceding we spoke at a little place in the same county known as Palo Alto. The meeting was advertised for a church about a mile distant from the little village; and when we got there the democratic speakers were very anxious to have the speaking in the street in the little village. I declined, however, to go with them there, because the people had assembled at this church where we had already met, and I insisted that we should speak there. They finally consented; and there was a large body of democrats uniformed with red shirts, and some of them with caps alike, and all wearing large revolvers outside of their clothing.

Q. Exposed?—A. Entirely exposed, and they were organizing clubs or bodies under a common leadership.

Q. About how many of them were there?—A. I cannot state positively the number, but something over one hundred, perhaps two hundred.

Q. Were they on horseback?—A. They came there on horseback.

Q. In a body under a leader?—A. Quite a number of them came in a body, not all; but they came in different bodies.

Q. What did they do when they got there?—A. They were very insulting in their conduct toward the republicans before the speaking

commenced. I was the first speaker on that occasion, and while I was up speaking they insisted that the speaking should be out-doors. I thought, however, the church was large enough to hold all; but I consented to speak from the steps of the church, and while I was speaking I heard a yelling, and I looked up the road toward the little village and I saw quite a number of mounted men, all uniformed with red shirts and caps alike, caps trimmed in red, and one piece of artillery, and perhaps a caisson. They came dashing down just as fast as the horses could come, and ran up within a short distance and unlimbered their piece and turned it around and fired it, and created quite a commotion.

Q. That was while you were speaking?—A. While I was speaking. Then some of the democrats suggested to them to wait, and they ceased firing the cannon until after I had finished. The crowd was very threatening, offering every species of insult to the republicans and the republican speakers. I remember, after I had finished speaking, I advised all the colored people, the republicans, as it was a joint discussion, to stay and hear the democratic speakers. A good many of them, however, on the outskirts began to break away, and I saw there were armed democrats who took hold of them by the shoulders and shoved them around and pushed them back into the crowd, and told them they should hear the speaking. I got up and told them, finally, that I would decline to speak any more—I was entitled to a rejoinder—if they did not stay and hear the democratic speakers. Through my influence and Judge Frazee's, and Mr. Hodge's, who was with us, and others, we got them to stay, and the meeting passed off without any collision or any trouble further than already mentioned. The colored republican political clubs very often go to their meetings with a drum, or two drums, a flag, and a fife. After the meeting was over, a small squad of colored men belonging to a club started for home, and some of the club informed me that they were pursued by about thirty-five armed men, their drums taken from them and cut to pieces.

Q. On their way home that evening?—A. On their way home. There was no resistance offered or made to this body of armed men.

Q. Were these armed democrats that you speak of?—A. Yes, sir; democrats. Then on Monday following I went to West Point, Clay County, as I have already stated. There was a larger crowd of both democrats and republicans there. I met there the same democratic clubs that I had met at Palo Alto on Saturday.

Q. How far are those two places apart?—A. The distance, I think, is about eight or ten miles. In addition to that all the local democratic clubs with their West Point artillery also turned out. After the speaking I went to my hotel.

Q. This is the meeting you described when you first commenced?—A. The meeting I have already partially described at West Point.

Q. Go on.—A. I went to my hotel, and there was a gentleman who has always affiliated with the democratic party who came to my room and told me that he had heard quite an expression since the meeting was over, that he had heard quite a number say they ought not to allow Frazee to speak, and they were very sorry they had allowed me to speak, and, said he, "I will tell you further, you will not be allowed or permitted to fill any of your other appointments." Said he, "I have heard this from democrats, and to-morrow you will meet at Starkville (the county-seat of Oktibbeha, my next appointment) the same democratic clubs and artillery that you have met here to-day;" and said he, "I know, from what I have heard them say, you will not be permitted to speak there to-morrow."

Q. Was this gentleman a professed democrat?—A. He was and had always been. He is one of the wealthiest citizens.

Q. Have you any objection to naming him?—A. I would rather be excused.

Mr. KERNAN, (to the witness.) Let me ask you one word about this. You are an intelligent man. Certainly it does not involve any more risk to you to tell the name of the gentleman who advised you as a friend than to tell the story.

Q. (By Mr. MITCHELL.) What reason have you for not telling?—A. My reason is simply this: I know the feeling against any man who would affiliate to any degree whatever with any republican. I know from actual observation and experience the trouble that it might entail upon him. These, Senators, are the reasons for asking to be excused for not giving his name.

Mr. TELLER. I move that the witness be excused from giving the name.

Mr. KERNAN. Let him pass it now and we will consider it afterwards. I understand his uneasiness is about that man. I will ask him afterwards as to that, and then you can decide it.

Mr. MITCHELL. Very well. [To the witness:] Did you regard this as an act of friendship upon that gentleman's part for you?—A. I knew it to be such, and I know him to be one of the most reliable and intelligent gentlemen that live in that section of country. I will state in this connection that the Hon. H. F. Little, who had been a senator from my senatorial district in the State legislature, was with me at the time this communication was made to me by this gentleman.

By Mr. MITCHELL:

Q. Did he hear the statement?—A. He heard the statement with me in my room.

Q. Had you at that time other appointments ahead to speak?—A. I had, and I proceeded from there to Starkville.

Q. Before you refer to that, please state what happened that evening or night, if anything, after this meeting at West Point.—A. There was no special occurrence further than Judge Frazee did not go to the hotel after he was driven from the court-house, but went to a republican's house who lived about three-quarters of a mile off, and on the way to that house he was pursued by thirty or forty of these armed democrats in uniform. This, however, I did not see. I have it from his own statement and that of others. I was also informed by him and by others that they followed on behind him, and occasionally would halloo, "Head him off at the next street!" and such things as that. That evening he wrote a note to me and Mr. Little to come down to the house where he was, that he wanted to see us. We went to see him, and he told us that he was afraid to go to the hotel, and wanted to know what we proposed to do as to the balance of our appointments. After some little consultation, we agreed to go down to Starkville by rail, to try and fill that appointment the next day. He met us that night at the depot in company with the friend with whom he was stopping, and we all took the train and went down to Starkville. There was a great deal of apprehension, I will state, on the part of all the republicans there. They expected some disturbance, everything was so threatening.

Mr. KERNAN. I enter an objection to this gentleman's evidence about apprehension or expecting threatening.

(Objection overruled.)

The WITNESS. We arrived at Starkville the next morning, pretty early in the day.

Q. In what county is that?—A. In the adjoining county, Oktibbeha, and is the county-seat of the county. Starkville was our next appointment. We went to the office of a republican friend there. The meeting was called for a church about one mile from town. Colonel Muldrow came to me and asked me where the speaking was to take place. I told him that it was to take place at a church about a mile out. Starkville is the home of Colonel Muldrow. He told me that he positively declined to go out to that church, and insisted that the speaking should take place in the street. When I first got there, a few democrats were on the same train with us, and quite a number of these red-shirted democrats, armed, met those democratic friends at the train. As we walked up through the town we saw large bodies on horseback galloping up and down the streets in every direction.

Q. How many, probably?—A. Perhaps 100 or 150, or more.

Q. Armed?—A. All armed with revolvers. I saw no guns. There was one piece of cannon on the street, and it was firing as fast as they could load and fire it to all appearances. Pretty soon I saw another large club coming from West Point with artillery, one piece, a six or twelve-pounder—the same piece, or one of the same pieces that had met us at Palo Alto, and also at West Point. They came dashing down the street, and they soon placed their guns in position and commenced firing. About this time it was that Colonel Muldrow insisted that the speaking should take place right there in the street.

Q. Where this commotion was going on?—A. Yes, sir. I told him that I did not think it was a suitable place; that the meeting had been called for the church, and I thought it would be better for all parties to get farther away from town, and the influence of whisky, and every thing of that kind. He, however, positively declined to go the church, and said that he would advise his friends not to go at all. I then suggested to him that we would leave it to one friend each, and if they could not agree let them select a third, and he would select the place of meeting. I selected a republican there, but who was a warm personal friend and a client of Colonel Muldrow, as my referee, and he selected some other gentleman, and they finally agreed on the fair-ground, which is just southwest of the town a little distance. This cannonading was kept up. These cavalrymen, with their red shirts and revolvers, were constantly parading on the streets, yelling and hooting. The colored people came to me, some of the leaders, and told me not to yield, but to have the speaking at the church as first designated, and that if I did not the colored people would positively not go. However, after this agreement to speak at the fair-ground, the democratic band of music came down the street followed by a body of these mounted democrats, and in the mean time there was a colored band, mostly republicans, and they went with us to the fair-ground. The speakers all went down to the fair-ground; and the sheriff, who was my referee, and who is a republican, had sent a man out to this church where the colored people had mainly assembled, and told them to come in; that the fair ground was the place agreed upon, and that they should not be molested. Quite a number of colored people, leading colored men, told me that they positively refused to go into the fair-ground, for the reason that it was inclosed with a high plank-fence, a close fence, with only one or two gates for entrance, and they said that the democrats had been threatening to raise a riot; that they did not propose to be cooped-up in that place where they could not make their escape. However we proceeded to the

fair-ground and waited. Pretty soon a large club of armed democrats that were coming down to the fair-ground, and were nearly to it, came very suddenly to a halt; they turned back and marched in the direction of the town a short distance and stopped. About that time a mounted man, with a red shirt, a democrat, dashed up and said they were fighting up town. We waited. I advised all those there to remain, and not go back towards the town.

Q. You were there at the fair-ground?—A. I was there at the fair-ground. The cause of the trouble was this, as I heard both from the republicans and democrats: The colored men, about eleven hundred, estimated at that by both parties, who had assembled at the church, after receiving the sheriff's message, concluded that they would go to the fair-ground, and they had to go through the town. Main street was the nearest way; but in order to avoid any difficulty, and not come in contact with these men who were parading Main street mainly, they came the second street or back street.

Q. Went round about?—A. Yes, sir. When they came about to the center of the town, several of those armed democrats dashed up in front of this procession—they had a drum, or two drums—and told them that they should not go through that way. They came to a halt. That was the cause of the trouble. We remained there in considerable suspense for, I suppose, an hour or an hour and a half. We did not know what was going on; yet I was satisfied there was no actual collision, because we heard no firing.

WASHINGTON, D. C., *January* 25, 1877.

JAMES W. LEE'S examination continued.

Mr. MITCHELL. You may continue the narrative upon which you were engaged when we last adjourned.

The WITNESS. At the adjournment yesterday I was describing the meeting at Starkville, the county-seat of Oktibbeha County. I think I have already stated that we had gone to the fair-ground. In the mean time Mr. Powers, the sheriff, had sent out to the church where the meeting was intended to be held for the colored people who had assembled there awaiting our arrival at that point; and while we were at the fair-ground a man came down on horseback who belonged to one of the democratic clubs, I suppose, because he had on a red shirt and had a large revolver buckled on him; and he said there was some little difficulty up in town, a short distance—perhaps half a mile.

Q. You were at the fair-ground?—A. Yes, we were there; we were awaiting the arrival of both sides, in order that the speaking might go on. The trouble reported in the town grew out of the fact that, as the body of men came down toward the church on a back street I have mentioned—colored men, to prevent any trouble on Main street where they had any number of mounted men uniformed with red shirts—as they came down this back street on their way to the fair-ground, they were met by a body of these mounted men, belonging to the democratic club, and told that they could not go down that street beating their drums. That was the cause of the disturbance. In the mean time Colonel Muldrow, the democratic nominee for Congress, said he would go up and see if he could not quiet the disturbance. He told me, however, before leaving, to remain there and that he would either come back or send me word.

By Mr. MITCHELL:

Q. He was your competitor for Congress?—A. Yes. He had been gone some time when Judge Orr, who had been circuit judge in that district, went up to see if he could not do something. Judge Orr had been circuit judge under the republican administration, but was then out of office. He had been gone an hour or so when he and Colonel Muldrow, I think, came back again and said that the disturbance was quelled, but that it would be impossible to have any speaking; he advised me of this fact, and we then agreed to have no speaking. The crowd was very turbulent, and he said he thought it was best not to attempt to have any speaking. Judge Orr then said he would go up and get the colored people to return to their homes, and there was therefore no speaking that day at Starkville.

Q. Do you know anything in reference to any interference with the colored people in their attempt to get to the fair-ground?—A. They were met, as I heard from both sides, by a democratic club, mounted, who told them that they should not go down that street beating their drums. They had at the head of their column a flag flying, and they had a drum or two and a fife, perhaps, in a wagon.

Q. They were not armed?—A. I saw no arms among the colored people that day at all. I will state just here, however, that I did not see that body that was turned back because they were at the church, a mile at the east side of the town, and by this agreement, which I mentioned yesterday, we all went to the fair-ground, which was at the west side of the town.

Q. Was there a collision there?—A. There was no collision; there was no firing.

Q. What next occurred in reference to the matter; did Judge Orr make a speech advising everybody to go home?—A. He did not. He was canvassing the district in the interest of the democratic party. He had given in his adherence to that party and was canvassing for them. I will say here that when our appointments were made throughout the first congressional district the appointments had been duly advertised and announced. The discussion was to be a joint discussion all the way around; at least the democratic nominee for Congress and the democratic candidate for elector were invited to meet us on all these occasions, but as we got down in that part of the district which is the lower part, and a strong republican part of the district, the democrats, about ten days perhaps before the time of the meeting, called a large democratic mass-meeting for the same time and place, inviting all their clubs to come in from every part of the county and to have a grand rally on that day. Judge Orr was announced as one of their speakers.

Q. What county was that?—A. That was in the district comprised of the counties of Clay, Oktibbeha, and Lowndes—the three last counties to be canvassed. The next point was Artesia. The speaking there was to be on the following day, I believe. I am not entirely positive about it, but I am pretty certain that the announcement for Artesia was for the next day—that is the republican meeting. We went over from Starkville on the train—myself, Judge Frazee, and the Hon. F. H. Little, ex-senator from my senatorial district. We got to the hotel and stopped all night. The meeting was to take place at a little village—a railroad town and a small one. It is in the midst of a very rich section of country and there are a good many colored people there. It is very populous and is a strong republican precinct. We remained at the hotel next morning awaiting the arrival of the people from the surrounding country. Colonel Muldrow, however, on leaving Starkville, his home,

the previous evening, sent a gentleman to me to say he would not meet me at Artesia the next day, but that he had telegraphed Captain Humphreys of Columbus to represent him on that occasion, and wanted to know if it would be acceptable to me to meet Captain Humphreys in debate, as his representative. I signified my willingness, and, of course, accepted, and I met Captain Humphreys at Artesia the next day. That morning myself and Judge Frazee occupied a room in the hotel. The branch road running to Columbus, Mississippi, runs out from that point. The hotel there is a railroad hotel or railroad property, and is located immediately between the two roads—there being tracks on both sides running parallel with the gallery of the hotel—the full length of the hotel. The first thing that occurred that morning I heard a drum. I was then feeling wretchedly ill and was lying down. I asked Judge Frazee what it was and he said it was a club coming in from the north or the northeastern part of the country. I did not get up at all. After a few minutes he said to me, "There are about seventy of them and I think they have got about twenty guns." It was a club of colored people, or republicans. I remarked to him I was very sorry that they had their guns. About that time Major Whitfield came in. He is a republican and lives at Columbus only about fifteen or sixteen miles in that county, and is acquainted with everybody there. I asked him as he knew these men to go down there and say to them that unless they deposited their guns somewhere, I should decline to speak to them. Judge Frazee said something to the same effect. Major Whitfield then went down to see these people and get them to put down their guns. They had marched through the little town a few hundred yards to meet a club, as I afterward learned, coming in from that direction. After Major Whitfield had gone down to see them to get them to deposit their guns, the chairman of the democratic club there, whose name I have forgotten, came in and made some complaint to me about this thing. I told him Major Whitfield had already gone down to have them deposit their guns, or leave them somewhere and not to take them to the place of speaking. That seemed to be entirely satisfactory to him. He said, however, that if the colored people went parading around there with any guns it would cause a collision; that the white people would not submit to it. While Major Whitfield was down with those men who were awaiting the arrival of the club from a southern direction, a special train came in from Columbus. General Jake Sharpe, Captain Humphreys, and about, I suppose, eight men belonging to the democratic club in Columbus came over on this special train. The train had several cars. I had gotten up in the mean time. Mr. Smith, the proprietor of the hotel, came up and told me that General Sharpe wanted to see me in the parlor. I walked immediately down to the parlor. There was a wide hall running through the hotel from one track to the other. Just before I walked into the parlor I heard the drum again, and I looked and saw the club coming. In the mean time it appeared to have been reenforced.

By Mr. KERNAN:

Q. Which club is it is?—A. The republican club. It appeared to have been reenforced by perhaps another club. They were coming back, and in the rear was a wagon. I paid no attention to the procession, but went into the parlor and met General Sharpe. He and I stood there several minutes talking about the joint discussion, and where it should take place, and how it would be conducted; and we had about agreed on a programme for the day, when the republican club, as I judged from

the sound of the music, appeared to be passing the door. While sitting there, I occupied a position in the parlor looking out toward the Columbus train through the hall, when all at once I saw a number of men dash very suddenly and hurriedly through the hall toward the Columbus special train. He and I both jumped up, and just as we did that there was quite a volley of guns or pistols sent off, up and about where the procession was marching. As I jumped up I passed on with the crowd that was rushing through the hall to the Columbus train. They were all entering one car, the car to my right. I stepped up on the step of the car on the left, (but which was coupled to the other car,) and as I stepped up on the platform I saw the advance of those men who had dashed through the hall so hurriedly, coming out with guns—needle-guns they are called with us, (it is a breech-loading rifle.) They were hurrying back through the hall in the direction of the firing. I passed over the steps and walked down some distance. In the mean time the firing ceased, and I walked immediately back through the hall and out where those men were standing. In addition to the democratic club that came over on the special train from Columbus, the local democratic clubs around there were also with them. They had come in quite early. The citizens of the town belonged to the local clubs, and there were some of them from the country. I am satisfied that it will be safe to say that there were there one hundred and fifty or two hundred men.

Q. Armed democrats?—A. Yes; and there were about the same number of colored men already in town. I was a stranger to all these men, except perhaps General Jake Sharpe and Captain Humphreys. As I walked through the hall, for I had nowhere else to go, I walked right up to a crowd of those democrats. They were very much excited. They all had their guns, or those large Smith & Wesson revolvers, the largest size, No 3.

By Mr. MITCHELL:

Q. Those were democrats?—A. Yes. The colored people had all fled. I walked right up to a crowd of those men. They were very much excited, and cursing, saying, "God damn them, they ought to kill them all;" and using such expressions as that. I said, "Where is General Sharpe?" One of these men said, very politely pointing to General Sharpe, "That is General Sharpe, right over there." I walked up to General Sharpe in the midst of this crowd, and he turned to me, and said, "Colonel, you shall not be hurt." In the mean time, or very soon thereafter, Captain Humphreys came up. These men commenced crowding around where General Sharpe and I were talking, and he turned to them, and said, "That is Colonel Lee; he was a gallant Confederate soldier; he is the candidate for Congress on the republican ticket; and I want all my men, not only to respect, but to protect him." That was very satisfactory to me just then. I will freely say in this connection that General Sharpe acted very gallantly and very nobly to me. Captain Humphreys came up at that time, and he too said I should not be molested or troubled in any way. The cannon was discharged just about the time of the firing of the small-arms. I heard the report, and about the time that General Sharpe had said to me what he did, I saw men with the piece unlimbered, and training it on a body of negroes that were a few hundred yards away in a cotton-field. I said to General Sharpe, "You are not permitting your men to fire on these colored men?" He said, "No;" and looking out for the first time said to somebody, "Tell those men not to fire that cannon;" and he then said to me, "It is impossible to

have any meeting here to day." There was a large body of colored people or republicans in a wood, and General Sharpe said to me, "Will you please go up there—you have more influence with them than I have—and tell them to go home?" Said I, "With pleasure, general; but I am really very ill, and I should like, if possible, to be furnished with a horse." He said, "You shall have a horse;" and turned to one of his men and said, "Go to that rack there and get a horse—any horse." I got on the horse, and at his solicitation went up and overtook this body of colored people. I suppose there were more than fifty or sixty there. I told them who I was, and that it was best for them to go home; that it was impossible to have any speaking. There was but one man there who had a gun; he showed it to me, and it was a single-barrel shot-gun, (loaded.) or an old musket, I don't know which. I then saw another little squad off in another direction; I went to them and told them to go home. In the mean time, I ran up to a wounded man, who was shot through the mouth and in the leg.

Q. A colored man?—A. Yes. And asked him if he was hurt. He could not talk much, having been shot through the mouth. I then saw a colored man with a hack, and called to him and asked him if he would not take this wounded man and carry him away; which he did. I told them that as they went on home if they met any men coming they should send them back home, and to say to them that they should keep away from Artesia that day.

Q. You had no meeting then?—A. We had no meeting. I went back to the hotel and remained there, and at the suggestion of some person connected with the democratic club there we agreed to endeavor to harmonize upon a joint report of the affair, and a committee was appointed on each side to draw up a joint report of it. In the mean time, however, a dispatch had been sent to Columbus, and Lieutenant Bishop with fifteen or twenty soldiers came over. I think he belonged to the Thirteenth Infantry, but I am not sure. We did finally agree upon a joint report, and we submitted it to him; and on the strength of that report he telegraphed to General Augur, I think commanding at New Orleans. I saw Lieutenant Bishop's report afterward published in the papers through the country, giving an account of the affair from the report which he had received from us jointly.

Q. Have you a copy of that report?—A. I think not.

Q. Have you not a copy of the one which you gentlemen made jointly to Lieutenant Bishop?—A. I think not. I have another report here, (clipped from newspaper,) which I will submit in connection with the testimony:

A threatened riot that was suppressed at Artesia.—The whites call upon the United States troops.—Five hundred stands of arms captured from the radical negroes.—A company of armed negroes ride into the village and are arrested and disarmed.

[Meridian Mercury.]

Wednesday was the appointed day for a radical meeting at Artesia, and Frazee and Whitfield were the orators. Negroes came from everywhere—came with all the pomp and circumstance of glorious war in cavalcades, mounted on mule-back chiefly. They came thus in different and distinct bands from different directions. When two or three bands had got upon the ground, a line was formed, a dead-line established, and the announcement made that it was death to cross it until the speaking was over. Officers with drawn swords walked up and down the line, and straightened it and put it in military trim.

The whites of Artesia are few in number; and we will not insult them by insinuating that they were intimidated, but will say they were cautious and prudent, and telegraphed to Columbus the situation, and asked for a company of United States troops stationed there to come to keep the peace.

The people noticed that one of the bands of negroes was followed by a wagon that might carry baggage or rations or something. The wagon seemed to have fallen under suspicion, and was probably watched with a cautious and careful eye. Our information is to the effect that a white man approached the wagon and inquired of the driver, or guard, what was in it, at the time peering into it, to discover that it was filled with arms. The negro guard, or driver, raised and pointed a gun to shoot him, which he knocked up, and instantly fired with a pistol, shooting his antagonist through the mouth. Then commenced a right lively clatter of fire-arms, which lasted but for a brief time. That beautiful line broke into about five hundred pieces in less time than it takes to tell it, and frightened—not intimidated—negroes were scattered in flight far over open fields in many directions. One large body ran for woods, where, it was ascertained, they had stacked their arms before coming to the town. Frightened and riderless mules with saddles ran wild through the fields, and, altogether, there was a scene of wild confusion. Five negroes were wounded by the fusilade, two of them believed to be certainly mortally wounded.

The body of negroes who had stacked their arms in the woods rallied upon recovering them, re-formed, and threatened to charge the town. The whites were so few, and there being a scarcity of arms besides, there was some nervousness at the situation for a time. About this time, a special train arrived, in answer to the request for aid, with some United States troops and citizens, and ended all danger of the threatened attack from the body of negroes in the woods.

It was after the troops had arrived, a squad of about forty negroes, ignorant of what had happened, or of any order to secrete arms in the woods, rode as large as life right up into the village, fully armed and equipped. The soldiers made them sensible of the situation, which was doubtless a surprise to them, by disarming them.

Something more than a hundred stands of arms were captured.

Frazee and Whitfield, when the battle commenced, took counsel of their guilty fears, and locked themselves up in a room in the hotel, and even then came near falling victims to the just indignation of the people. A small body of some eight or ten resolute and discreet men stood guard over the entrance, and with appeals to reason and sober sense, not unmixed with threats, kept back the furious people, who would have dragged them forth and shot or hung them on the spot, and saved them.

Just about the time we had finished our report—it was signed in my room—and after most of the gentlemen had retired from the room, myself and Judge Frazee, perhaps Major Whitfield and Judge Acker, the democratic candidate for elector, were all in the room together, and we were speaking about the disturbance and how near we came to having a disturbance at West Point, and also at Starkville. I said to Judge Acker, "Now you have been canvassing with me for some time, and I am sure that you will testify that I have not used any language that could be considered from even a democratic stand-point as incendiary." "Well," he remarked, "you have been very moderate; with a few exceptions you have been very moderate. There are some things that you have said that were objectionable." Then he said to me, in the presence of these gentlemen——

Q. Who was this man?—A. Judge J. M. Acker, the candidate for elector, who lives in my town. He said to me this: "Lee, did it ever occur to you that I could have had you and Frazee both killed by just saying the word at any one of our appointments?" I said, "Yes; it has occurred to me." I said, "Indeed we have discussed this matter, and have not only felt, but have absolutely known, that on several occasions we have been at the mercy of the mob, and that, as you say, one word would have caused the mob to have killed us both in a minute." "Yes," he said; "we have protected you from harm." Just here I have some clippings from newspapers which I would like to put in as part of my testimony. I have an account of that affair from the Meridian Mercury, a democratic paper.

Q. It is a democratic account, I suppose?—A. Yes.

By Mr. KERNAN:

Q. How far is Meridian from this place?—A. It is southeast of this place some distance, perhaps a hundred miles.

Q. Have you a copy of the report which you made to Lieutenant

Bishop?—A. I have not a copy of it, but I will say that I have stated just exactly the agreement that we came to, with one or two exceptions. There is one part of this Artesia affair that I have omitted, and it is this: Major Whitfield went down there to meet this republican club, and met it, and, at his solicitation, they placed those guns in a wagon that was coming to the mill. They got the consent of the driver, and this wagon was brought up immediately in the rear of the procession. At the time of this firing, as all agreed, the procession had just passed the hotel, except the rear part of it. It was just opposite the hall that I have spoken of.

By Mr. MITCHELL:

Q. That is, the wagon was?—A. The wagon was just opposite the hall.

Q. At the time of this rush?—A. Some of these democrats made a rush for this wagon and captured it, and that was the occasion of the firing. Six men were wounded, and it was conceded by all sides that the colored people did not fire a shot. Twenty-odd guns were all that were there. Some estimates were much higher, but the actual number I think was twenty-seven. The only exception to the statement I have made is this: that there was one colored man sitting on the front of the wagon with a gun in his hand, and the democrats said that he presented this gun and attempted to shoot, but the gun is the same gun that I saw when I went out to disperse this mob; it was loaded. It is a positive fact, however, that part of the guns were not loaded at all, and one or two of them had no locks on them.

Q. The attack, then, was made by the democratic clubs there in capturing the wagon?—A. Yes; with the guns in it.

Q. After the republican guns had all been put in the wagon?—A. Yes. I will state in this connection that that is the first and only occasion upon which I saw any colored men or republicans with guns, or armed in any way.

Q. And that covers the whole campaign?—A. Yes. I had met the democrats there not only in uniform, but armed, on two occasions.

Q. About how many democrats were armed that day at Artesia?—A. I think there were one hundred and fifty or two hundred, and they were all armed.

Q. Were there any persons killed outright that day?—A. No, sir; there were none killed outright; there were six wounded.

Q. All republicans?—A. All republicans.

Q. Did any of them die afterward?—A. I think not; if they have I have not heard of it. Then Captain Humphreys, who was to meet me at the other appointments—the next agreement being for Crawford—told me that he didn't think it was safe or best to have any speaking. Other democrats told me so as well, there and at other places.

Q. Captain Humphreys is a leading democrat there, is he not, and chairman of the committee of the county?—A. Yes; he is a leading democrat, and I think is chairman of the committee. He acted very honorably and wisely on this occasion. He used his influence to stop trouble, and so did General Sharpe, as far as I could see, and both expressed their regret. This difficulty occurred in the forenoon. That evening we went into the hotel, and General Sharpe and Judge Frazee were, I think, sitting together. I heard General Sharpe say to Judge Frazee that after the firing was over a number of his men said, "Now, let us go up-stairs and take Frazee and Whitfield out and hang them."

They did not, it seems, mention my name. He told judge Frazee, "I prevented it."

Q. You heard General Sharpe say that yourself?—A. Yes; to Judge Frazee, at the hotel table, and remarked that but for him there would have been violence offered to the whole of us.

Q. Who was it that he referred to as saying this?—A. Some of his men—"some of my boys," I think he said, or "some of my men."

Q. What was the result of the election in that district?—A. An overwhelming democratic victory.

Q. What was the majority?—A. Fourteen thousand, I believe.

Q. Then Mr. Muldrow was elected by about 14,000 majority?—A. Yes.

Q. That was the first congressional district?—A. Yes; that was the first congressional district. I want to say, in this connection, that we opened the canvass in Tishemingo County, which is on the Tennessee line, and is a white county; and we moved southward under our appointments, and the farther we came south the more intimidation and preparation and everything of the kind were made on all occasions. In the white counties there was very little display of arms and very little trouble. We commenced in Tishemingo, and next went to Alcorn, and then to Prentiss. As we came on down the railroad going south, the farther we got the more display of arms and everything of that kind we saw. I believe at Boonville I was the only republican speaker. Col. R. O. Reynolds was representing at that place Judge Acker, the candidate for elector. Colonel Muldrow was there in person. Colonel Reynolds said to me that there was no one to meet him on the republican side, and if I would consent, after we had spoken for an hour, that he would speak for an hour, and would say nothing concerning the congressional contest at all. I had no objection, and after we had spoken, I told the colored people that I wanted them to stay and hear Colonel Reynolds, and they did, and everything passed off quietly. To show the condition of feeling in that country, I will say that several democrats came to me and expressed themselves satisfied with my speech; that they were very agreeably disappointed, and that they were sorry to see me on that side of the question, and so on. Quite a number of democrats had assembled at the train to see Colonel Reynolds and Colonel Muldrow off. I packed up my valise quietly and started for the cars, and all at once I heard a yelling behind me and heard my name called. I looked back and saw one of the democrats coming, rushing in advance of the main crowd, yelling at the top of his voice and saying, "Tell Lee, God damn him, to take the second-class car, where all radicals and niggers belong." He came yelling this behind me until I took the cars. I did not dignify him with any notice, but took my seat in the car. That was the first time that any indignity was offered. Colonel Reynolds, who was along, tried to stop the crowd from yelling.

Q. But the crowd seconded this proposition that you should take the second-class car?—A. Yes; they seemed to enjoy it hugely; and Colonel Reynolds, who is a gallant fellow, tried to stop this conduct on the part of the democratic mob or rabble, but it did no good. They kept yelling until the car moved off.

Q. About how many of them?—A. There were a large number of them, but only a few that were yelling and whooping as this fellow was, like savages. Then we went down. Our next appointment was at Tupelo, and there were some indignities offered there, but nothing worth mentioning. Those are the white counties—Lee, Itawamba, and Pontotoc are the white or democratic counties of the district. I saw very little

parade. They had cannon, I know, at Boonville, and they kept up a constant firing and parading of their clubs around, and they had also artillery at Tupelo. We met no more artillery until we came to the republican counties. When we came to the republican counties, Chickasaw, Monroe, Clay, Oktibbeha, and Lowndes, there we met the democrats thoroughly organized, uniformed and armed.

Q. That was in the republican counties?—A. Yes. The most of those political democratic clubs were armed with large revolvers, buckled outside of their clothes to make a display of them, and on every occasion that we met them they had artillery. As I stated yesterday, at Starkville they had two pieces of cannon; at Artesia, I think they had only one, but there was a great display of arms everywhere.

Q. Did anything else occur that you wish to mention as to intimidation in your district during the campaign?—A. There is a little affair in my own county that I will mention. On the night of the 30th of September, in a neighborhood not very far from Aberdeen, there was a republican club. They had usually a drum or two drums. The president of the club lived near a church. A body of armed democrats went to the house of the president of this club and called the old lady out and told her that they had come after Russell—her son, who was the president of the club. She said, "Russell is at church, and you will have to see him about the drums." They said, "It doesn't make any difference where he is; we must have those drums."

Q. Who were those that came there?—A. A body of democrats, a club. She told them that she had no authority to give up Russell's drums, and that they would have to see him. She refused to let them come in, and they broke down the door and went in and told her that if she did not tell where those drums were they would kill her, and if she raised any alarm they would shoot her brains out. One of the little children, however, through fright, said, "The drums are up in the loft," and two or three of the parties went up and took off the drums, and went around beating them and raising a good deal of noise. The next day the drums were found two or three miles from there cut all to pieces. On the following Saturday night there was another meeting a few miles away. The president of that meeting was named George Coopward. They sent George word that on Saturday night they were going to get his drums. Sure enough, on Saturday a body of men galloped up suddenly into his yard and surrounded his house and said to him, "We have come for your drums." He said, "I ain't going to give up my drums." They said they would kill him if he did not. He said, "Kill away; I ain't going to give up my drums." Then they broke down his door and took his drums, and as they went off a few colored men met them right at the gate and there was some firing. I have with me a republican account of that affair and a democratic account.

By Mr. KERNAN:

Q. Do you know whether it is a true account or not; I mean of your own knowledge?—A. Not from my own knowledge, but the democrats admitted it, and so did the republicans. I have talked to both sides about it.

By Mr. MITCHELL:

Q. This account signed "Republican" is a republican account not mild. A. Yes.

Mr. MITCHELL. I will read it.

Mr. KERNAN objected to the reading.

[Objection overruled.]

. we
.ing in a
ountifully
roes absent
nat they in-
am barbecue
. negroes.

Mr. MITCHELL read the article, as follows:

Destroying republican drums—A White-Line cavalryman wounded.

ABERDEEN, MISS., *October* 10, 1876.

EDITOR REPUBLIC: Monroe County, Mississippi, is a strong republican county, and has 1,066 colored majority on the registration just closed. On the night of the 30th of September a number of the White-Liners, armed, went to a religious meeting of the colored people near Crawford's mill in this county. They soon left the meeting and went to the house of Russell Keys, president of a neighborhood republican club, and asked for him; and on being informed that he was at church, and that there was no one at home except his mother and two or three of his little children, they commanded her to open the door and give them the drums belonging to the club. She refused to open the door, and told them that they would have to see Russell about the drums. They then forced the door to the house and told the old woman if she made any noise they would blow her brains out. One of the children in its fright told the ruffians that the drums were in the loft, whereupon some of them went into the loft and got the drums, and took them off a few miles and destroyed them entirely.

There was another club of the same kind in the neighborhood, under George Coopwood, president, and they also had a set of drums. On Saturday night, the 7th instant, a large body of White-Liners, armed and mounted, dashed into his yard and surrounded his house, and directed him to bring out his drums. Upon his refusal to deliver the drums, they broke down his door and entered his house and took out the drums and destroyed them. Three or four of Coopwood's friends came up just as the ruffians were leaving the house, when a fight ensued in which one of the ruffians was wounded and one of their horses was shot. The White-Liners are scouring the country nightly, and they are clamoring lustily for Tilden, Hendricks, and reform. They threaten openly to assassinate all the leading republicans. And such is freedom (?) in Mississippi.

REPUBLICAN.

[The foregoing correspondence is strictly reliable. The writer is well known to the editor of the Republic.—Ed. Rep.]

The WITNESS. This article, which I now hand you, is clipped from the Aberdeen Examiner. This thing occurred in the fifth beat.

Mr. MITCHELL read the article, as follows:

[COUNTY CORRESPONDENCE.]

BEAT No. 5, MONROE COUNTY, *October* 9, 1876.

MAJOR JONAS: If time and space in your columns will permit, I will drop a line in regard to a comical combat which occurred last Saturday night. Some persons, unknown to any one around here, rode up to a house on Dr. Elkin's place and demanded a radical drum that was kept there. After accomplishing their object, and while riding away with the prize, they were fired upon six times by the colored men. It was quite an amusing game, for every time the colored men—for they were the only ones that did shoot, or seemed to be armed—fired a weapon, they were heartily applauded by a loud tap on the drum, while it was making its way to "Major" Parker's, the radical candidate for justice of the peace, where it was ripped to pieces. The "major" no doubt is needing shoe-strings, but we think he had better not begin to "go in on the make" too early, for it is not yet recorded that he will be elected magistrate, though we presume he thinks there is nothing like practicing in the Kellum line previous to his anticipated harvest off of the poor negroes of the fifth justice's district.

For this is the way that the radicals do,
Rob the negroes who to them are true.

We hope that the vile wretches who have been putting out false reports about the white men killing the negroes will not misconstrue the above, and instead of saying the negroes fired six times upon these persons, say six negroes were killed.

NED.

By Mr. MITCHELL:

Q. Is there anything else that you desire to state in regard to the but on. of intimidation?—A. I will just state in this connection that savagesme, and from that time forward, these military clubs (demo- and therild occasionally ride around through the neighborhood, threat- tioning. ll colored men and making all such threats as that. It was the white

reported to me constantly by colored men, and they were constantly asking me what they should do. On the night preceding the election, they paraded the country generally. I saw two or three men whipped, and several leading colored men came to me after the election and told me what had occurred on the night before the election: that these men would gallop up to their houses, firing off their pistols and guns, and would call out some man, generally a neighborhood leader, and would ask him, "Are you going to the election to-morrow?" And the man would say, "Yes, I thought I would." Then they would say, "How are you going to vote?" He would say, "I don't know. I have always voted the republican ticket." And they would tell him, "We have come here to tell you that you had better not go there to-morrow, as all the negroes are going to be killed. There will be a great fight to-morrow, and you had better keep away. We have come as friends of yours to tell you this in order to save you from harm." That practice was carried on throughout the country. Such information came to me from every part of the country.

Q. This was done immediately before the election?—A. Yes. A colored man told me that they had not gone to the election because of the firing of these men.

Q. You say that you saw some that had been whipped?—A. I did.

Q. How were they whipped, do you know?—A. Yes; they were beaten with sticks or something of the kind. They were just cuffed about, and told, if they went to the election they would be killed.

Q. How about the tone of the democratic press generally in that district during the campaign? Can you produce any clippings from the press?—A. I have some here that I propose to submit and make part of my testimony. But just here I want to say that it has been stated that the colored people were not solid for the republican ticket. I take this occasion to say that I never saw them more solid in my life than in the first congressional district of Mississippi. I will hand in a few democratic clippings to sustain me in that position, and ask that they may be read as part of my testimony. They were clipped from democratic papers.

Mr. MITCHELL read the following:

A FEW COLORED DEMOCRATS IN MISSISSIPPI.

Though they have made no public demonstrations, the indications are that the negroes throughout the State are organized. They have registered almost to a man, and, except in a few counties, very few, have connected themselves with the democratic party. Let not democrats be deceived about this. It will require the most active efforts to carry Mississippi for Tilden and Hendricks and reform.

The WITNESS. The extract just given is from the Columbus (Miss.) Democrat of August 25, 1876. The one I now hand in is from the Columbus (Miss.) Index of October 13, 1876. That, also, is a democratic paper.

Mr. MITCHELL read the article, as follows:

THE BARBECUE AT SILOAM

last Saturday was largely attended by the white men of Clay County, but of negroes we believe there were only eight present. Judge Orr addressed the crowd in the morning in a speech two hours long, in which he arraigned the radical party in a way that was not mild. Judge Orr's speech concluded, the crowd repaired to the tables, which were bountifully supplied with barbecued meat and bread. It is a significant fact that the negroes absent themselves from all democratic demonstrations, and it points to the conclusion that they intend to vote the radical ticket this fall. There were eight carcasses at the Siloam barbecue that remained untouched, provision having been made to feed several hundred negroes.

The WITNESS. I will now hand in a few clippings to show the sentiments of the press in that section.

Mr. MITCHELL read the articles referred to, as follows:

[From the Aberdeen (Miss.) Examiner, September 28, 1876.]

To lose the election in Mississippi this fall would entail upon us such a canvass and such scenes in the fall of 1877 as no well-wisher of the State would like to see.

[From the Aberdeen (Miss.) Examiner, July 26, 1876.]

God gave the victory to a people who were contending for liberation from the basest thraldom ever endured by a civilized race, and who would have been justified in swinging up their oppressors as food for the buzzards to the boughs of our forest-trees.

[From the Aberdeen (Miss.) Examiner, October 2, 1876.]

DEMOCRACY OR DEATH.

He who dallies with radicalism in this State stands, torch in hand, beside a powder-magazine, and puts at hazard the safety, honor, and lives of those that it should be the pride of manhood to battle for, and, if needs be, die for.

[From the same, same date.]

DEMOCRATIC SPIRIT IN SOUTH CAROLINA.

The greatest excitement and enthusiasm pervade the ranks of the whites, and they are determined to redeem the State from her ignoble thrall at any cost and at any sacrifice.

Troops have no terrors for them. They want troops; they want all the troops that can be sent to the State, for the true soldier deeply sympathizes with the cause of the oppressed white man everywhere, and they are determined to have either a white man's government or military rule.

By Mr. KERNAN:

Q. It is a pretty common sentiment in Mississippi among the people to prefer military rule by United States soldiers rather than the government which they have been denouncing?—A. Yes; I have heard a good many of the leaders say so.

Mr. MITCHELL read the following:

[From the Columbus (Miss.) Democrat, September 1, 1876.]

INTOLERANCE AND CONTEMPT.

The man with a single drop of southern blood in his veins who reads Wheeler's malignant, lying, incendiary speech at Saint Albans, Vt., and afterward votes for the mendacious scoundrel for the high office for which he lusts, deserves the contempt of every man, woman, and child from the Potomac to the Rio Grande.

[From the Aberdeen (Miss.) Examiner, September 21, 1876.]

"IS THE WHITE MAN CAPABLE OF GOVERNING MISSISSIPPI."

We were struck "all of a heap" by the observation of a gentleman a few days ago that "the great question to be decided in the present campaign in Mississippi is as to whether the white man is capable of governing the State."

Strange as it may seem, that is a living issue.

[From the Columbus (Miss.) Index, October 13, 1876.]

After the October elections, our State will be overrun by radical speakers. We must be prepared to meet them in discussion, and, if they will not divide time with us, we must attend their meetings and not permit them to lie to the freedmen or excite their passions without challenging their statements.

Every true man must constitute himself a sentinel. Everything we have gained by defeating the radicals last year will be lost unless we resolve to hold what we have gained. Let the faint-hearted step out of the ranks before the fight begins. One coward will demoralize an entire squad.

To our friends throughout the State we say Lowndes is solid.

[From the Okolona (Miss.) Southern States, August 23, 1876.]

We have done nothing, as a people, for which we have to reproach ourselves. Then away with the degrading and ruinous policy of conservatism by which we tacitly admit that we were wrong and the North was right in the recent war. Away with it! we say. It is a slander upon the dead who died for us. It is a stigma upon every man who fired a gun for us in our grand heroic struggle for liberty. Down with it! spit upon it! trample it under foot! and brand with shame its base, unworthy defenders!

[From the Columbus (Miss.,) Index, September 29, 1876.]

Never have we been called upon to write up so unfortunate an affair as occurred last Saturday night in eastern Oktibbeha.

We say unfortunate, because it will be misconstrued and certainly misrepresented by the northern press in order to influence the elections now pending.

It was one of those neighborhood difficulties in which neither State nor county are to be mixed up.

[From the Okolona (Miss.) Southern States, (no date given.)]

SAVE THE WHITE BANDITTI.

The Hamburgh, S. C., riot is the latest sensation. The Sioux Indian massacre fired the northern heart somewhat, but nothing to compare with the Hamburgh affair, in which half a dozen colored militia met the *usual fate* in the race-conflict. Some of our Representatives in Congress pour vials of wrath upon the white banditti. This may be wise *policy*, but the *principle we do not like.*

[From the Columbus (Miss.) Democrat, August 21, 1875.]

WHITE MEN SHALL RULE, EH?

And the white men of Mississippi *will* do it, in spite of eloquent diatribes and sham platforms which represent nothing but a clique's notions of expediency. In the contest on which they have entered they mean something more than the election of c rtain men to office, or the elevation of Lamar or Alcorn to the Senate. They mean the preservation of their constitution, their laws, their institutions, their civilization from impending ruin. *They mean that they will take the government of their own State into their own hands. They mean that* WHITE MEN SHALL RULE MISSISSIPPI. Colonel Lamar may fancy that he and his coadjutors have crushed out the race-issue. Vain, silly, thought! When the Mississippi broke through the levee in 1871, and its waters rushed through Pass Manchac into Lake Pontchartrain, a man sought to keep the waters back by placing a board in their first outlet. Platforms and orations cannot keep back the tide which is swelling in the hearts of the white men of Mississippi. It will rise higher and higher, sweeping before it all that may oppose, and bury in oblivion the fancied masters of the people and molders of popular sentiment, leaving not the trace of their foot-prints in the sands of time.

[From the Okolona (Miss.) Southern States, August 23, 1876.]

THE INFAMOUS AMENDMENTS.

The Lord bill and the manifesto issued by the Secretary of War looking to an enforcement of the fifteenth amendment is another evidence of the monstrosity of the two last amendments.

* * * * * * *

Any one at all familiar with the theories, so atrocious, and the practices of the Administration, so il egal and unjust, since the adoption of the boa-constrictor measures, whose main design is to encircle the CORPUS of the several States, and to crush out the very life of each of them one by one, or two by two, to suit the capacity of the length of the coil of the hideous serpent of centralism, will not wonder why so many democrats gnash their teeth with rage at the very mention of the stupendous fraud perpetrated upon the rights and liberties of a free people by engrafting them upon the fundamental law of this land. The innumerable woes and the countless wrongs that have followed, and to which they will conduct us, are almost beyond human comprehension and human forbearance.

[From the Okolona (Miss.) Southern States, (same date.)]

"MAD-DOG MORTON."

He began his harangue by stating that "the republican party points with pride to the record of its honorable deeds."

"*Its honorable deeds.*" The brazen effrontery of this fellow! "ITS HONORABLE DEEDS!" In what have they consisted? In inciting insurrections, or in any of its many *ante-bellum* acts that drove us for self-protection from the republic of our fathers? Answer.

In plunging our country into the horrors of a fratricidal war? Answer.

In its ruffianly-worded refusal to exchange prisoners when it knew that the inmates of Andersonville and other confederate prison camps must perish on our hands because we had neither food nor medicine sufficient for our own soldiers and citizens? Answer.

In arresting Vallandigham and other northern men for no crime under the canopy of heaven? Answer.

* * * * * * *

It is further written, and will be further remembered, to the glory of the democracy that they have opposed every measure of the republican party since the day that party took control of the Government; that they have made a glorious fight against all the crimes and usurpations of the last fifteen years, and that the triumph of their principles this fall is the last hope of a stricken people.

Does it seem probable, in the face of irrefutable facts like these, that the democratic party "asks its past to be forgotten?" WITH NO PARDON TO ASK, WITH NO APOLOGIES TO MAKE, REPENTING OF NOTHING AND REGRETTING NOTHING IN ITS HISTORY, we conscientiously pray God that its acts and utterances may live forever and inspire unborn generations to emulate its high and holy example.

[From the Columbus (Miss.) Index, September 29, 1876.]

SUPPRESSING THE RADICAL PAPERS.

We are glad to announce that one of our book-stores has stopped orders to the Harpers for their illustrated weekly. This is a step in the right direction. This sheet would fail to be a pecuniary success were it not for the support given it by the people of the South.

The WITNESS. A difficulty occurred in Oktibbeha County some time perhaps in the early part of September—I don't remember the exact date—when several colored men were killed. I know nothing of it except from rumor, and you have witnesses perhaps who can tell you of it; but one of the clippings that has been read (that from the Columbus Index of September 29, 1876,) refers to it.

Q. (By Mr. MITCHELL.) Is that the Chapel Hill affair?—A. Yes.

Q. It is a democratic account?—A. Yes.

Q. Were there persons killed there?—A. It was so reported.

Q. How many?—A. I don't know, sir.

Q. These extracts, which have been read, are from your district alone?—A. Entirely.

Q. None from outside of the district?—A. None at all; they are all from the county I lived in and the two adjoining counties.

Q. What occurred at Smithville on the 7th of November, 1876?—A. On the day before the election a colored man came to that precinct—Smithville, which is in Monroe County, my county—with republican tickets for distribution, but he came back the day after the election, and told me that he was run off from there, and not allowed to distribute the tickets; that when he got to the polls that morning he found that, immediately in front of the polls, there was a grave dug, and two sticks were across it, and there was a coffin lying on the sticks, and they had a flag at the head of the coffin, saying "Death to any man that votes the radical ticket here to day." One republican vote was cast at that box, and the party that cast it, Minor Tubbs, told me that they tried to see his ticket before he put it in. They found out, however, that it was a republican ticket, and they pursued him four miles, and he had to run for his life.

Q. How many registered voters are there in Smithville precinct, Mon-

roe County?—A. I have a complete list of the registration of that county or precinct. It is a democratic precinct.

Q. Give the full number of registered voters at this place, Smithville, where this grave was dug.—A. There are 152 white and 39 colored voters.

Q. And you say that there was but one republican vote cast?—A. But one cast.

Q. This was a regular grave and of the full depth?—A. Yes, two or three feet deep.

Q. And the coffin was a regular coffin?—A. Yes, sir, a regular coffin—a box-coffin.

Q. There was a notice on it?—A. There was a little flag on one end of the coffin, saying "Death to any man who votes the radical ticket here to-day."

Q. Do you know what kind of a flag it was?—A. No, sir; I do not know.

Q. You say that this man that did vote the republican ticket, Minor Tubbs, was pursued?—A. He was pursued four miles after he voted.

Q. By whom?—A. By some of the democrats with arms, and I heard that they intended to kill him.

Q. But he made his escape?—A. Yes.

Q. What interference, if any, do you know of in reference to the United States marshals in that district on the day of election?—A. I was in the city of Aberdeen on that day, and a man who had been appointed deputy marshal at Muldon, a very strong republican box——

By Mr. KERNAN:

Q. Was this on election-day?—A. Yes. He reported to the chief United States marshal, Captain Hodges, that he had been driven away from there; they would not allow him to exercise any authority. At another point, Walton's store, in Monroe County, Samuel Evans, who was a deputy marshal, was driven away, and told that if he did not leave they would kill him; and also Holloway—there were two deputy United States marshals, and they were both driven off.

By Mr. MITCHELL:

Q. State anything else that you know of in reference to interference with United States marshals.—A. There was more or less interference with them throughout the county. They were not allowed to exercise any authority whatever at any point.

Q. Do you know what majority there was in that district in 1873?—A. I do not for 1873, but in 1872 the same territory, composing the first congressional district, though it was in different districts then, gave a majority of 2,343.

Q. Republican?—A. Yes, for General Grant.

Q. Who was elected to Congress from that district that year?—A. It was in a different congressional district. I think, in 1872—I am not sure but that it was Mr. Lamar.

Q. It was the same territory?—A. It was part of the same territory. It has been redistricted.

Q. When was Mr. Lamar's race?—A. I am not positive whether it was in 1871. I think it was part of that district, and General Barry was perhaps for another part.

Q. With a fair expression of opinion at the ballot-box by the registered voters of your congressional district at the election on the 7th of November, 1876, what would have been the result, providing that there had been no intimidation or outrages?

(Objected to by Mr. Kernan as hearsay. Objection overruled.)

A. I will state, in the first place, that there was a great deal of trouble about registration. As the registration of 1876 stands, it is a very close district. If, however, there had been a full and complete registration, I am satisfied that it is republican, and in anything like a fair expression at the ballot-box it would have gone republican. I will state in this connection that the colored people are solidly republican.

By Mr. MITCHELL:

Q. There is no voluntary change of sentiment among the colored people, is there?—A. No, sir; they are all republican; and I desire to state right here that since the election I have had colored people come to me who voted the democratic ticket and say to me that I knew as well as they did that they were republicans, but they were compelled to vote the democratic ticket. One man said that he was suspected of having some connection with the burning of a gin-house, and that they told him if he did not espouse the democratic cause he would be indicted, convicted, and sent to the penitentiary for arson. He had been a member of the legislature for two terms, and he gave in his adhesion to the democratic ticket just before the election and canvassed for it. Then a number of other men who voted the democratic ticket came to me and told me (one man actually crying over it) that they were compelled to vote the democratic ticket, but that their sympathies were with the republican party, and that they were republicans. I will state also that throughout the entire first congressional district the colored people are universally affiliated of their own choice with the republicans and are good republicans, in addition to which there is a considerable element known in that country as the conservative element, that is really in favor of or in sympathy with the republican party. I had one man come to me and say that he wanted to vote the republican ticket, but said, "You know very well that if I do it I incur the undying displeasure of my friends and neighbors, and I can't afford to do it;" and it is on account of this intimidation, this ostracism, this abuse, this wholesale denunciation, that they all vote the democratic ticket.

Q. What is the treatment by democrats of white republicans in your district, or of gentlemen who act with the republican party?—A. Well, sir, I am a southern man, and fought as a southern soldier, and have lived in the town where I now live for a long time, and I heard them say themselves, repeatedly, that I stood as well as any other gentleman; but just as soon as I connected myself with the republican party I was denounced like a pickpocket, and myself and my wife were completely cut loose from society, and we just live isolated—or we have a few associates among the democrats who have never thrown us off; but I will just state here that a white republican in that country is bitterly denounced. He is vilified and abused for everything, and ostracized everywhere.

Q. Can this ostracism of yourself and family be placed to any other account than the fact that you are a republican?—A. None other on earth.

Q. Is this the general course of treatment of white republicans?—A. Yes, sir. To show you to what an extent it goes, I need only say, perhaps, that my father-in-law was a slaveholder, a very wealthy man, and he used to be as friendly and as intimate with me as any man could be. He is one of the noblest and purest men I ever knew, outside of his political convictions—a perfect gentleman, and a high-toned one at that. But since I have been connected with the republican party he has never

spoken to me, and we are completely alienated, and have nothing whatever to do with each other—as he has said, "on account of Lee's damned politics."

Q. Is there any other reason for it?—A. None under the sun.

Q. Does he pretend that there is any other reason?—A. None on earth.

Q. Were you sheriff in 1875, at the time of the election at Aberdeen?—A. I was.

Q. State briefly what occurred there.—A. That testimony can be found in the volume of testimony taken by Senator Boutwell's committee; if, however, you desire that I should repeat what occurred in the court-house at Aberdeen, I will do so.

Q. You may state briefly what occurred there that day.—A. On the morning of the election, in November, 1875, I went to the court-house. I was sheriff of the county at the time. I got there very early, and there were several hundred negroes——

Mr. KERNAN. Why will not the Boutwell statement do?

Mr. MITCHELL. (To the witness.) Did you give a full statement of it in the Boutwell report?

The WITNESS. Yes, and I have heard democrats say since then, who read this testimony of mine in that volume of Mr. Boutwell's committee in print, that it was correct.

Mr. MITCHELL. Very well. Has anything else occurred to you about the state of affairs in Mississippi, in connection with registration or the election?—A. I have one thing to say about registration: the board of registrars commenced the registration of our county and did not, as is reported in other counties, require each man to give the section, township, and range in which he lives. That was not considered necessary. Colored men came to me constantly, however, and said they were denied the right to register in our county because they had been convicted of petty larceny, of assault, or of assault and battery, or of a misdemeanor, or for actionable words, or for malicious mischief—for anything whatever—if they had ever been before a magistrate they were denied registration. I went to the chairman of the board of registration and called his attention to it. Said I, "Why, how is it you refuse registration to these men who have been convicted of those misdemeanors or small offenses?" "Well," he says, "there is a law for it." Said I, "What is the law?" "Why," he says, "it comes under the head of 'infamous crimes.'" If you will enable me to see the revised code of Mississippi for 1871, I can read the section upon which he depended.

[The revised code of Mississippi for 1871 is handed to the witness, who continues:] I called his attention to this section of the law, and this section is the one under which he denied them the right to register.

Q. (By Mr. MITCHELL.) That is, he claimed that, under that law, he had the right to deny them registration?—A. Yes. [Reading:] "No person convicted of bribery, perjury, forgery, or other infamous crimes shall be registered." He told me that these petty offenses, called misdemeanors, came under the head of "infamous crimes." I then called his attention to section 2855 of the same code, which says: "The term 'felony' or 'infamous crimes,' when used in this code, shall be construed to mean offenses punishable with death or confinement in the penitentiary."

Q. What did he say to that?—A. He said they had already decided the matter, and they proposed to continue as they commenced.

Q. That, he considered, was *res judicata*?—A. Yes; and on the day

of election I got a dispatch from one of the supervisors of election, saying that fifty-odd colored men had been denied the right to vote because their names were not properly spelled on the copy for that precinct. Large numbers of men even who had registered were denied the right to vote at different precincts because the judges of election said that they either could not find their names, or that their names were spelled wrong. I will state here that every man who was known to have ever been convicted of any of those small offenses was denied the right of registration, notwithstanding the sections of the code which I have read.

Q. Does that include a number?—A. Yes; quite a number. I know a number of white men, who had before been sent to the penitentiary, and who did register and vote. I know the name of one man who was sent to the penitentiary, and of another who was sent to jail for malicious mischief.

Q. Do you know from what evidence they would prove that these men had been convicted of those crimes?—A. They would ask them, "Have you ever been to jail?" and they would perhaps say, "Yes;" and if they answered in the affirmative, they would ask, "What were you sent to jail for?" Then they would deny them registration or vote. I have here the vote of my county, Monroe, from 1869 to 1876. It is a strong republican county. In 1869 the republican vote was 2,609.

By Mr. KERNAN:

Q. You do not mean *majority* but *vote*?—A. The vote. Of that the democratic vote was 920; the republican vote, 1,689. In 1871, for officers and members of the legislature, the republican vote was 2,656; the democratic vote 1,710, making a republican majority of 946. In 1872 the republican vote was 2,588; the democratic vote, 1,394, leaving a republican majority of 1,194. In 1873 the republican vote was 1,997. Two strong republican boxes were rejected and thrown out on account of irregularities. The democratic vote was 1,863. The republican majority, with those boxes excluded, was 134. In 1875 the republican vote was only 1,546, and the democratic vote 2,613, leaving a democratic majority of 1,067. In 1876 the republican vote was 1,897; the democratic vote, 2,791, which gave a democratic majority of 894.

Q. To what causes do you attribute this great change in the political expression of that county?—A. In 1875, it was attributable mainly and directly to intimidation which stands almost without a parallel. I will state just here, although the testimony is in the Boutwell report, that in the Aberdeen box there were between twelve hundred and fifteen hundred men driven from the ballot-box at the muzzle of the gun. I have affidavits in my office at home of, I think, over a thousand persons, that they were driven away and not allowed to vote. In 1876 there was not so much intimidation; there was nearly as much military display, but no one was driven from the polls, yet there must have been frauds on the ballot-box that never were practiced before in Monroe County.

Q. Do you know the relative proportions of the white and colored vote in Monroe County—taking the whole county?—A. Yes; I have got the registration of 1876, with all the exclusions. I have got it by precincts and I will give you the total. The total colored vote was 3,115; the white vote was 2,158, leaving a colored majority of 957.

Q. That was on registration?—A. That was on registration—by precincts.

Q. And the democratic majority as returned was what?—A. Eight hundred and ninety-four.

Q. On a fair expression at the ballot-box, free from intimidation and fraud, what would have been the result in that county in 1876?—A. I believe, and every republican believes, and plenty of democrats believe that we would have cast 1,000 republican majority. And just here I want to state what I heard a democrat say.

(Mr. Kernan objected to a statement as to what the democrat was heard to say.)

The WITNESS. He is a reliable man, sir.

Mr. KERNAN. That may be.

(Objection sustained.)

By Mr. KERNAN:

Q. What is your business?—A. I am a farmer.

Q. Have you ever been in any other business?—A. Yes.

Q. What other?—A. I have been merchandising. From 1865 to 1871 I was engaged in the mercantile business.

Q. At what place?—A. At Aberdeen. I was then mayor of the town nearly three years.

Q. What years were they?—A. Eighteen hundred and seventy-one, 1872, and a part of 1873. Then I was sheriff to fill the unexpired term, and the regular term of 1874-'75. Since that time I have been farming.

Q. What offices have you held since 1869 beside mayor and sheriff?—A. None except mayor and sheriff, but I am and have been a United States commissioner under the district court. It is an office without salary and without much business. There is very little to do.

Q. It is an office in which fees are received?—A. Fees alone. There is very little business in it any way—only in bankruptcy and such matters.

Q. This district of yours—the eleven counties—was a newly-made district?—A. Yes; made by the legislature of 1876.

Q. Composed of counties different from those which composed prior districts?—A. Yes.

Q. That is, the counties are not identical with the districts before existing?—A. Exactly; the counties comprising the present congressional district belonged formerly to two districts.

Q. Have you mentioned the cases when there was any difficulty about your speaking in 1876? I believe you have spoken of 1876.—A. I have spoken only of the principal places. At a few points in the white counties (I will say here) I was very politely and kindly treated. I have no complaint to make as to them, but when we came down into the republican counties we found a very different state of things existing.

Q. I understood you to say that going through the democratic counties, as they are called, there was no violence?—A. Except at Booneville, I think, as I told you, where the mob came whooping behind me like savages to the railroad-cars.

Q. That is the case of the fellow who wanted you to take the second-class car?—A. Yes.

Q. You say he was insulting?—A. Yes; and democrats there objected to it.

Q. That you know yourself was not encouraged or incited by the reputable men of the democratic party?—A. Some of them objected to it. I am satisfied of that.

Q. Those parties who were making this disturbance were rough men, were they not?—A. They were strangers to me.

Q. And from their manner it was clear that they were rough men?—A. Yes, sir; evidently.

Q. And they were disposed to insult you, but did not effect any violence?—A. No, sir.

Q. What was the first place you spoke of in Clay County?—A. West Point.

Q. I believe you spoke there?—A. Yes; but it was with difficulty that I did.

Q. Mr. Frazee did not speak?—A. No.

Q. Did you yourself see any violence exercised toward any one there?—A. There was no actual violence—no personal violence, as I understand it.

Q. And there were about equal numbers of whites and blacks?—A. Yes.

Q. About twelve or fifteen hundred of each color?—A. No, sir; I did not say that there were twelve or fifteen hundred of each; I said about twelve or fifteen hundred in all; and it may be that there were a few more colored men than white.

Q. On this occasion at Palo Alto, (if that was the name of the place)—that was an occasion when you had a meeting; was that in Clay County?—A. Yes.

Q. That was what you call a republican or largely colored county?—A. Yes, sir.

Q. These persons that were in uniform wore red shirts and caps of some kind?—A. They did, and each seemed to have a large revolver buckled around him outside of his clothing.

Q. It is quite a common thing in Mississippi, and has been for years, for people to carry pistols, has it not?—A. Not of that size.

Q. But they carried smaller ones?—A. Yes; they ordinarily carry a pocket-pistol, but these had to be worn in scabbards.

Q. These were on the outside?—A. Yes, sir.

Q. It is, however, quite a common custom of the people there to carry in their pockets small pistols?—A. Yes; but it is very unusual to find them carrying pistols of the size of those used on this occasion.

Q. Both white and colored carried pistols, however?—A. You very rarely see a colored man with a large pistol buckled around him.

Q. I am speaking now of pocket-pistols.—A. It is very unusual.

Q. In your State the colored men are ambitious to have a pistol or gun, are they not, if they can get one?—A. Yes; there seems to be some desire on the part of the colored men to have a gun.

Q. And it is quite frequent that they have guns, and they also have pocket-pistols?—A. Yes; it is not very unusual.

Q. At Palo Alto did you speak?—A. I did.

Q. Outdoors or in?—A. Outdoors; I stood on the steps of the church and spoke to the audience in front.

Q. Was there any actual personal violence, to your knowledge, exercised toward any one there?—A. There was, toward a few colored men.

Q. What was that, and how did it occur?—A. At the time my speech was concluded, after this artillery company had dashed down and commenced firing their cannon, the colored people got uneasy and commenced to scatter. I insisted that they should remain and hear the speaking. I saw some White-Liners, or democrats, in uniform, take hold of some colored men and insist that they should stay at the meeting and hear their speaking.

Q. This cannon that was fired I suppose was fired with cartridges merely?—A. Blank cartridges, I suppose, sir; I do not think it was loaded.

Q. There was no collision there?—A. Further than that mentioned.

Q. That was what occurred between some individuals, as you say?—A. Yes.

Q. The colored men were there also in clubs, were they not?—A. Yes; there was one club I know had a drum. I don't remember to have seen but one drum.

Q. They formed clubs, I suppose, and had an organization, or president, or something of that sort, also?—A. Yes.

Q. About how many of these colored men were there of whom you spoke as having started for home—a club of colored men?—A. They reported to me that it was a small club.

Q. Of your own knowledge, do you know whether they were followed or not?—A. Of my own knowledge, I do not.

Q. Then you do not know whether, in fact, their drum was taken from them or not?—A. I have heard democrats and republicans both say that it was, and also that the democrats proposed to pay them for it.

Q. I ask of your own knowledge. You do not, of your own knowledge, know that they were followed or that their drum was taken away from them?—A. I do not.

Q. The Monday following you went to West Point, I think, from Palo Alto?—A. Yes.

Q. You held a meeting there and spoke, did you not?—A. I did.

Q. And was there any collision or interruption of the meeting by violence?—A. There was no actual violence; the democratic part of the meeting was exceedingly boisterous, and when I got up they commenced yelling and whooping and charging, and some of them flourished their hats and drew revolvers, but, finally, I made an appeal to them and they stopped, and some of the democrats present insisted that there should be no disturbance, and that they should hear me speak.

Q. These men who would be thus boisterous and insulting were rather the rough portion of the population, were they not?—A. It generally embraced all the rougher element—the rougher element was generally embraced in those men who conducted themselves in that way. It was not the men whom you would call the ordinary citizen. The refined and polished men, of course, would not do so.

Q. And the staid, quiet men of business would not do that, I suppose?—A. No, sir; the older class, I mean, would not; it was generally the young men.

Q. There was nothing else, I believe, that occurred there; there was no collision or difficulty between the colored and the white people at that place?—A. No sir; I saw no row, no collision.

Q. You went next to what place?—A. To Starkville.

Q. Did you speak there?—A. I did not.

Q. That was the place where some gentlemen advised you not to speak?—A. Yes.

Q. And you did not?—A. I did not.

Q. These gentlemen who advised you not to speak did so for what reason; was it that they feared to bring on a collision between the races?—A. Yes; they just remarked that they did not think it would be safe to attempt to speak there with the state of feeling that existed.

Q. They thought that the people were excited?—A. Yes.

Q. And that there was an antagonism between the races; was that indicated to you?—A. Well, yes; it was between the two political parties—the two races.

Q. And when those things which did occur, generally where you had meetings, and where there were large gatherings of colored men, the colored men generally came to the meeting in their respective clubs?—A. Yes.

Q. And there was danger, as these gentlemen thought, of collision in the excited state of feeling there?—A. That is what they said.

Q. And you gave up the idea of speaking?—A. Yes.

Q. What do you know, if anything, about Mr. Frazee's being pursued when he went to some friends that you speak of? Was it from some one telling you, or did you see it?—A. I saw only a part of it, and what I did see I saw from the hotel. I saw him leave the court-house, and I heard part of the crowd say, "Let us go after him;" but he passed off in another direction.

Q. You say he left the court-house; you saw about how many start off after him?—A. Quite a number.

Q. Was he on horseback or afoot?—A. He was afoot.

Q. Was anybody with him?—A. No one at all.

Q. You saw no violence to him?—A. I did not.

Q. And you do not know of any on that occasion?—A. No, sir; not of my own personal knowledge.

Q. He was not injured personally on that occasion; you did not hear that he was?—A. No, sir; he went to his friends——

Q. How far were they from the place?—A. I think about three-quarters of a mile from the court-house.

Q. That night you and he went to the train—went to Starkville, as I understand?—A. Yes, sir.

Q. Did you speak there?—A. I did not.

Q. That was the place where some wanted to speak at the church and some others at other places?—A. Yes.

Q. Where was this cannon firing; was it in the village?—A. Yes; on Main street; they had two there.

Q. There were two companies, I suppose?—A. Yes; one was from Palo Alto, and one from West Point.

Q. The firing of that was of blank cartridge, I suppose?—A. Yes; I suppose so. I never thought otherwise.

Q. You went to the fair-ground there with a view of speaking?—A. I went and remained there until advised to leave.

Q. That is the occasion when you heard there were democratic bands there, and colored bands?—A. Yes.

Q. About how large an attendance was about there?—A. The large body of colored men to hear the speaking were at the church. There must have been some three hundred at the fair-ground, who had been stopped on their way.

Q. About how many were there in and about the town? Can you give me an idea of the total number that came in?—A. There must have been some twelve or fifteen hundred there, for they all agreed that there was about one thousand or twelve hundred turned back on their way.

Q. That was the occasion when the armed democrats interfered when they were going through some certain streets?—A. Yes.

Q. There was no collision there, was there?—A. No; that is, there was no shooting. I think there was some negroes with sticks or something of that sort.

Q. But none were seriously hurt?—A. No, sir.

Q. Do you know whether the colored men had arms or not?—A. They were not represented as having arms by any one.

Q. You did not see them?—A. No, sir; I saw no arms among them.

Q. Do you know how many there were of these mounted men that turned them from going down the street?—A. I do not know.

Q. What you heard was that they said they should not go down that street beating their drum?—A. Yes.

Q. Mr. Muldrow went down, and so did Judge Orr, and it was stopped?—A. Yes.

Q. When did Judge Orr cease to be a republican, and join the other side?—A. I think about the first part of 1876. It was later, however; it was in the summer, perhaps June or July, when I heard of his making democratic speeches.

Q. He had been acting with the republicans up to that time?—A. Yes.

Q. How long had you been acting with the republicans?—A. From 1869. I voted what was known as the Alcorn ticket, in 1869.

Q. These rifle-clubs, I suppose, were organized in marching bodies in the town?—A. Yes; marching backwards and forwards; they were generally dashing about, galloping.

Q. About how many of these mounted men were there, should you say?—A. Quite a large number. I do not know the number. There was one club from Palo Alto, one from West Point, and they had one in Starkville. There were several county clubs.

Q. About how many men should you say?—A. About one thousand men.

Q. Were they generally mounted, or partly mounted?—A. They were generally mounted.

Q. The next place was Artesia, where Captain Humphreys met you in place of Mr. Muldrow?—A. Yes.

Q. I want to get a few facts about that; you did not give it quite in detail. Did the club come in with Judge Frazee?—A. No, sir; Judge Frazee was in the room with me. I was lying down.

Q. And the first that you saw of the club was those seventy men about?—A. I didn't get up to see them; he told me. As the club passed, I heard the music and I asked him what it was, and he told me then that it was a club coming in from the north.

Q. Did you go up and look at it?—A. No.

Q. Do you know about how many guns they had?—A. I did not, except what he told me—until after the fight was over—from the number captured.

Q. You understood there were about twenty guns?—A. Yes; that is the number he told me, I believe.

Q. At any rate, you interested yourself to have them lay aside their guns?—A. I did.

Q. And I suppose you did it from the motive that each party having fire-arms, it was quite apt to provoke a collision?—A. Yes; and I know that nothing excites the white people so much as to see the negroes with guns.

Q. In that county were the colored men largely in excess of the number of white men?—A. They were. That is Lowndes county, and there were about two thousand three hundred or two thousand four hundred colored majority there on registration.

Q. As you understood, this band or company did put their arms in a wagon, and that was when they came marching back and the arms were in the wagon as you understood?—A. At the rear of the procession.

By Mr. MITCHELL:

Q. That was the only instance, I believe you said, when colored men had guns?—A. Yes, when they were at a meeting.

By Mr. KERNAN:

Q. Then the democratic club came up from Columbus, as I understood you?—A. Yes sir; on a special train, however. This special train

had come over just about the time Major Whitfield had gone down to get these men to put down their arms, and before they came back.

Q. About how many men were in this Columbus club, do you know?—A. I think about 80—between 60 and 80.

Q. The depot was near the hotel, I infer from your description?—A. Right at the hotel.

Q. And as they came in on one side, the colored club was coming up with their band on the other side?—A. No, sir; the Columbus train really came up before this colored club started back to the place designated for the speaking.

Q. Before the colored club came back there, had they been reinforced by any other colored club?—A. I think so.

Q. Making in all about how many?—A. Making 125, perhaps.

Q. That was the procession which the wagon was following?—A. Yes.

Q. The first thing that attracted your attention, you say, was that you saw men rush through the hall toward the side where the colored club was passing?—A. No sir, they were rushing the other way—to the train—to the special train.

Q. They were rushing from where the colored club was passing, toward the train?—A. To the train, standing on the track at the entrance to the hall—on the Columbus branch.

Q. And you went out?—A. Yes.

Q. That is the time you saw them come out of the train with the guns?—A. Yes.

Q. About how many guns did they have there on the train?—A. I think perhaps all these men who came over from Columbus had rifles as well as pistols.

Q. About how many were there of them?—A. Between sixty and eighty. I did not see that all of them had guns, but I saw that most of them had guns.

Q. How many should you think you saw with guns?—A. There must have been 50 guns or nearly that.

Q. They went into the train and got their guns and you think they were excited?—A. Yes, and as I passed into the train, those who had gone first into the train had got their guns and were coming out.

Q. Had there been firing before that?—A. Yes.

Q. Have you any knowledge of how that occurred; I mean, of course, have you any knowledge of your own?—A. I did not see it. I only know from what I heard both sides say.

By Mr. MITCHELL:

Q. Is that where the man was shot through the mouth?—A. Yes.

By Mr. KERNAN:

Q. That is where the six were wounded?—A. Yes.

Q. Did you know how they came to arrive there; you know from what you heard, as I understand you, and from that only?—A. Yes.

Q. Were those pistols that were fired, or do you know?—A. Mostly pistols, I think.

Q. Now, a word about this cannon. The next thing after this that you mention is the fact that you saw them training a cannon on some colored men who were crossing a field?—A. Colored men, women, and children who were running or walking very fast through a field.

Q. How long was that after the firing had occurred there?—A. A very few minutes. At the commencement of the firing of the small arms, the cannon was fired.

Q. This cannon was where—on the street?—A. Yes, near the depot.

Q. And how far were those people off when they were training the cannon on them, as you say?—A. They were 250 or 300 yards perhaps.

Q. Was the cannon fired at them?—A. It was not.

Q. And you had no reason to suppose that it was loaded with anything except powder?—A. Yes, I had.

Q. What was your reason?—A. I have heard both democrats and republicans say it was loaded.

Q. Loaded there and then?—A. Yes, they said it was loaded with shot or something. I do not know what kind of shot, whether grape or canister.

Q. What democrat said that?—A. I can't mention the names of those of whom I heard it.

Q. On either side?—A. On either side. As I said before, there were only a few men there that I was acquainted with on either side, but when I came up to General Sharp the men were training the cannon as rapidly as they could on those people.

Q. Were they following them?—A. No, sir, but pointing the gun in that position.

Q. They had been firing that cannon before during the morning with blank cartridge?—A. Yes, sir, but only once.

Q. It was not fired at this time?—A. It was not, because General Sharp told the men to go and tell the gunners not to fire that gun.

Q. That caused a great deal of excitement, I suppose, there?—A. Yes, sir, it ran everybody off the place except a few of us.

Q. Was there any collision, except this one, where the firing was?—A. There was not. There was no one to collide with.

Q. Lieutenant Bishop came over there?—A. Yes.

Q. And you gentlemen agreed upon a statement which was given to him?—A. Each one signing, with objections and exceptions; yes, sir, and it was afterward published.

Q. Were you examined before Mr. Boutwell's committee?—A. I was, sir, in June last.

Q. You then testified fully as to prior matters, but not as to what occurred in 1876, of course?—A. Nothing had occurred then about which to testify.

Q. But you gave your testimony as to prior matters, I suppose?—A. Altogether.

Q. Are you and Judge Acker friends?—A. We are friendly; yes, sir.

Q. He asked you whether it ever occurred to you that they could have had you killed by the mob?—A. He said to me: "Has it ever occurred to you, Lee, that at almost any one of our meetings where we have met, I could have had you and Frazee killed by saying the word?" I told him it had occurred to me just in that way, and that Frazee and I had discussed the matter.

Q. But there was at no time in all your visits through the district any attempt at personal violence to you more than you have described?—A. No, sir.

Q. As you understood, the occurrence of the firing arose out of the democrats making a rush for the wagon where the guns were supposed to be?—A. That is exactly what they said themselves.

Q. And that led to the firing?—A. Yes, sir.

Q. Captain Humphreys and General Sharp did everything, I believe you said, that men could do to keep the peace?—A. Yes, sir, as far as I saw, they did everything they could to preserve order.

Q. There are eleven counties in your district, I believe you said?—A. There are.

Q. And in these white counties—those counties in which the people were mainly white—you saw very little display of arms, you say?—A. Very little—some, but not so much in proportion to the number of men.

Q. Your meetings in those counties were satisfactory, I understand you to say?—A. Mainly.

Q. Sometimes there was some little incivility, but nothing else?—A. Nothing else except incivility.

Q. In reference to this matter of taking the drum from some people; have you any personal knowledge on that subject?

The WITNESS. At Palo Alto?

Mr. KERNAN. At either of the places.

A. I have not.

Q. In reference to democratic clubs going around and threatening just before the election, have you any personal knowledge of that?—A. I have no personal knowledge. I have been simply told that by others.

Q. The statement you have made about their saying that they would be killed if they voted the republican ticket, &c., is not from your own knowledge but from what they said?—A. Yes.

Q. About parties being whipped in reference to voting, is that of your own personal knowledge on any occasion?—A. It is not.

Q. These clippings which you have taken from newspapers in your district are, I suppose, the more violent sayings of those papers. You have cut them out on account of their violence, I suppose?—A. Yes, sir; they are among the most violent sayings. I have not clipped all the violent sayings.

Q. No; but you took those especial ones, I suppose?—A. Yes.

Q. I infer from reading the articles that there were men who were counseling a different line of policy. Some of these articles talk about conservative men like Mr. Lamar and others. There were some men there who were much more violent than these letters. Those letters were rather obnoxious, I infer, because they were more conservative.—A. That is true; but the more moderate men were generally controlled by those others.

Q. When they are talking about complaints of the manner in which they have been ruled, they were complaining, were they not, of the men who they thought had ruled the State badly—the men who were put in office?—A. I suppose so. They were complaining of republican rule on general principles.

Q. In either of those extracts you did not understand them to be denouncing, specially, the colored people?—A. No, sir.

Q. Were you at Smithville yourself on the day of the election?—A. No, sir.

Q. You have spoken of a man who was not allowed to vote the republican ticket at Smithville, and who was pursued out of Smithville by armed men.—A. Yes, sir.

Q. All you know about that is what the man told you afterwards?—A. That is all I know. He is a reliable man.

Q. This grave and the coffin that you spoke of were also what he stated to you he saw?—A. He said he saw it himself, and that he too was forced to leave there and not allowed to vote.

Q. Were there no United States supervisors at that poll?—A. I think not.

Q. Do you not know whether any were appointed for that poll or

not?—A. I think there was a gentleman appointed there, but he was ill, or from some other cause did not serve.

Q. You know nothing about this gentleman yourself, whether he was or was not pursued by men with arms?—A. I do not of my own knowledge.

Q. And the same as to this Mr. Evans and these other men?—A. Yes; what I have said is what they told me themselves and what others told me.

Q. Aside from the fact that as they claim that colored men are used to elect men to office whom they are opposed to, there is no especial hostility to the colored men among your people?—A. O, I think not; if every colored man would vote the democratic ticket, there would be no trouble politically.

Q. They would be considered as good voters as anybody else?—A. Yes; I have noticed this, that when a colored man joins the democratic party he is a big man with them, and receives a great deal of attention until the election is over.

Q. How does he fare with his brother colored man when he does that?—A. Well, I have known some little trouble in such cases.

Q. I desire to ask you fairly how that is?—A. It is my intention to give a fair and truthful answer.

Q. Is it not true that the colored men become excited and hostile toward a colored man who joins the democrats or votes the democratic ticket?—A. Yes; I have known instances of it.

Q. And do they not exercise a good deal of ostracism and intimidation towards him in the way of turning him out of the church and denouncing him, and even using violence towards him?—A. I have heard from general rumor of men being turned out of the church or threatened to be turned out of the church for voting the democratic ticket.

Q. And that is not a very unfrequent thing, as you have heard?—A. They have very little respect or use for a colored man who goes off with the democratic party, because they believe that he is doing so from some outside influence and not from political conviction.

Q. In a word, they are disposed to ostracize him in every way—from church, from social consideration, &c., are they not?—A. To some extent I think so.

Q. Do you know of people telling you that they even instigate the wives of some of these men to leave them on account of that?—A. I have heard of such things, but mainly from democratic sources.

Q. You have known of some instances, I infer?—A. My recollection is, though I could not mention any, that I know of some instances of the kind.

Q. Have you heard that there has been violence used in the way of maltreating them?—A. Yes; but as stated, I heard it from democrati sources.

Q. You have heard of such things?—A. Yes, sir.

Q. Is it not a complaint by some of the democrats that some of the men, especially whom they call carpet-baggers, really stir up the feelings of the colored men against white democrats down there with threats of this kind: That they would lose their liberty if the democrats came into power, and that they would be deprived of their rights?—A. I will just state, in answer to that question, that there is just as much bitterness and abuse toward a native, in my opinion, as there is toward a carpet-bagger. I have never heard of the carpet-baggers or scalawags, as they are called, stirring up any strife or anything of the kind, except from

democrats. They say it, but it is not true. I have never heard such a thing.

Q. Not true in all cases, you think?—A. I have never heard such a thing from a republican, either white or colored—either scalawag or a carpet-bagger.

Q. But if there was not something to stir up the colored men, they would naturally get along with the white people there very much as we do up here, would they not?—A. There was something that stirred up the white people, but it was because the colored men voted against them.

Q. The white people are beaten in many of those strong counties by the colored vote?—A. Yes.

Q. And have been so beaten for years?—A. Yes, sir.

Q. And do not the democrats complain that the other side, or some of them, instigate and inflame the minds of the colored men against them?—A. I have heard democrats say so repeatedly.

Q. And have you not frequently heard some of the sensible democrats say that they were anxious to have the colored men hear them?—A. Yes, sir; I have always understood them to say so.

Q. They did not abase the colored men, as I take it, but always lay the blame on somebody else?—A. I have heard them both ways. I have heard them curse the negro.

Q. Do they curse the negroes to their faces?—A. O, no; not in public speeches, but in private conversation.

Q. In their speeches to negroes they try to show them that their political opponents are to blame, and that they (the democrats) would be their friends?—A. Yes; by some species of persuasion, and sometimes with threats intermixed.

Q. In public meetings, whom have you heard threaten them?—A. I have heard and know of this saying repeatedly, that if they did not vote the democratic ticket, they should not live on their places, and that they might just prepare themselves to take what would come if they could not live on pleasant relations with the white men, and that they would have trouble, and all such things as that.

Q. And I suppose they claim, as politicians are apt to claim, that if they, the democrats, came into power, they would make it all right for the colored people—that there would be more prosperity and less taxes?—A. Yes; they represented it that way.

Q. Do you know anything about this man who was suspected of burning a gin-house?—A. I know him well; yes, sir.

Q. But what you stated was what you heard, I suppose, that they threatened to indict him?—A. Yes, sir.

Q. You said he had been a member of the legislature?—A. Yes, sir.

Q. I believe you said that the democratic white men there are not disposed to be sociable with a white man, particularly with a white southern man who joined the republican party?—A. I said so—except a few.

Q. There is a prejudice against him?—A. O, yes.

Q. What was the registration of your county in 1876, if you happen to have it?—A. I gave the vote. I can give it again.

Q. Did you give the registration?—A. Yes; the registration was 5,273.

Q. That is the total white and colored registration of the whole county in 1876?—A. Yes.

Q. Of each color how many were there?—A. The colored people were 3,115.

Q. And the white people were how many?—A. 2,158—that is, registered.

Q. Do you know the fact whether there were any democratic clubs in some of the counties of your district?—A. Well, they had in my county a small squad there. I think, perhaps, it belonged, though, to a white club.

Q. Some of them did become members of a white club?—A. Yes.

Q. Were there some colored speakers who spoke on the democratic side in 1876?—A. Yes, sir; nearly every single colored democrat was a colored speaker—they put them all up.

Q. There were a good many of the colored men that made speeches?—A. Yes; all over the country.

Q. Speaking to the colored men?—A. Yes.

Q. So that they had colored speakers in every county?—A. Yes; they were generally paid to go around and make speeches.

Q. And you say some colored men did join the club?—A. Some did.

Q. Have you any knowledge of any fraud on the ballot-box in 1876 of your own knowledge?—A. Not positively of my own knowledge, because I was only at one box.

Q. Was there any at that box that you know of?—A. No, sir; I was only at the box once.

Q. Then you have no knowledge of it in your own district, or any other, as matter of personal knowledge?—A. I have no immediate personal knowledge.

Q. And you have no means, of your own personal knowledge, of knowing how many colored men in your own county voted the democratic ticket?—A. I have not.

Q. And of course you cannot tell as to any other than your own district?—A. No, sir.

Q. Will you give us for your district, if you can, the comparative vote—the aggregate—and whether you ran ahead of Hayes, or Hayes ran ahead of you?—A. I believe I ran ahead of Hayes.

Q. In your district?—A. Yes, sir.

Q. By how many votes?—A. I don't know exactly, but I was ahead in my district, I think.

Q. Much?—A. Not much.

Q. How was it in your county?—A. In my county, I do not remember the exact number, but I was ahead.

Q. Ahead of your ticket?—A. Yes; I ran ahead of my ticket in one of my counties, but in the district——

Q. You think not much?—A. Not much. It was a very slight difference. I will not, on reflection, state that I ran ahead in the district, because I never paid attention enough to it to know, but I did run ahead in my county.

Mr. KERNAN. The reason I asked was that I had information that Hayes got more votes in the district than you did by about eight hundred or nine hundred. I meant to ask you if you knew about that and how it was.

The WITNESS. I do not as to the district, but my information has always been that I ran ahead of the ticket.

Q. Have you ever had it put together?—A. No, sir.

Q. Then that would be your information, but the information I had from some one was that it was the other way.—A. I think I am right.

Q. Do you know whether the census of 1870 gives a majority of white democrats there? My information is that that census shows that in the counties composing your district there is a majority of white democrats.

Do you know how that fact is?—A. I do not know positively. I have never examined it.

Q. Can you tell me this, if you happen to know, whether Governor Alcorn did not get more votes than Governor Ames in 1873 in the counties composing your district?—A. He did not.

Q. How was the vote?—A. I have taken the vote from Greeley's compilation in the Tribune Almanac. Ames had a small majority, to my recollection. I think the majority was 43.

Q. Is not the republican vote of 1876 as many as 300 larger than that of 1875 in your county?—A. I suppose it is, because there never was such complaint of intimidation as in 1875.

Q. But, in point of fact, the republican vote of 1876 was something like 300 more than that of 1875 in your county?—A. Yes. As I said this morning, there was actually less intimidation in 1876 than in 1875, but they made it up in another way.

Q. It was a question as to how many of the colored people were run away from the poll at Aberdeen in 1875, was it not?—A. O, yes. The democrats said there was testimony; but, as I said this morning, I have got at my office at home the affidavits of over one thousand men——

Q. I do not ask about that. I infer from what you said that there were over a thousand run away from the polls.—A. Well, I have always placed it at twelve or fifteen hundred.

Q. But the democrats say not over three hundred.—A. Some of them will say not even one hundred.

Q. But of your own knowledge you do not know how many there were?—A. I do not know positively, but I would say this, that, embracing the whole city of Aberdeen, there were only 90 republican votes cast out of about 1,900.

Q. You did see some of the colored men wearing the uniform of those clubs, red shirts, &c., did you not?—A. Every democratic negro had on a red shirt.

Q. They were in the same equipment as the whites?—A. Yes.

Q. There was no distinction on account of color?—A. No, sir; they were almost certain to have on red shirts and regulation caps provided by the democratic party.

Q. I ask you this with a view to account, if possible, for some of the bitter feeling existing against yourself in that community. In a speech of yours which was published did it not appear in the papers that you said (I may not get it very accurately) "that the republicans proposed to put Hayes into office anyhow?"

The WITNESS. Mr. Chairman, I will certainly answer the question, but I desire at the same time to make an explanation.

Mr. MITCHELL. You may make any explanation you may desire.

Mr. KERNAN. Answer the question first, if you please, whether you did deliver such a speech?—A. I delivered a speech, and of that speech some person wrote and sent to the paper what he called a "report," and that was published, I think, in the Clarion.

Q. (By Mr. KERNAN.) In your district?—A. No, sir; the Clarion is published at Jackson. He attributed to me an expression which I never used. I took this position, simply and briefly, that if Tilden was elected by fraud, intimidation, murder, and violence in the South, the vote would be counted for him, and that was my opinion simply. That is all I said.

Q. What did this correspondent or reporter attribute to you in the published speech?—A. He attributed to me the expression that it did not make any difference whether Hayes was elected or not, that he should go in any way.

By Mr. MITCHELL:

Q. You never intimated anything of that kind, did you?—A. No, sir.

Q. But somebody there published such a statement in the democratic paper?—A. Yes. The speech was published partially correctly and partially incorrectly.

Q. And this to which you have referred was incorrectly published?—A. Yes, sir.

Q. And what you were reported to have said was that it did not make any difference how the actual vote was, that Hayes should be put in any way?—A. That was it, and it was a falsehood.

By Mr. KERNAN:

Q. Did you ever take occcasion to denounce that statement as a falsehood?—A. O, yes, sir; Colonel Muldrow commenced to use it on me; but after my denial, he did not do it any more, I think.

Q. When you said that you did not use that expression he dropped it?—A. Yes.

Q. In the mean time, however, the statement was published in a widely circulated paper?—A. Yes; they will publish anything almost against a republican down there. The papers are certain to get everything against the republicans that they can possibly get.

By Mr. MITCHELL:

Q. And sometimes more than can be got truthfully?—A. Oftener than otherwise.

Q. Something was said about the conduct of colored men, republicans, who were induced to vote the democratic ticket. Do you know of any case of personal violence having been inflicted by one colored man upon another by anything of that kind?—A. I cannot call to mind just now any case, but my recollection is that I have heard of violence being offered colored democrats by colored republicans.

Q. Nothing to amount to anything serious?—A. Nothing serious; I have never known a murder, or a whipping, or anything of that kind on account of it, but I know that there is some feeling.

Q. I will ask you if it is not a common thing for the democrats in that State to publish false statements and to misrepresent public speakers who are republicans?

Mr. KERNAN objected to the question.

A. It is very common, indeed; and I have been accused of certain utterances at places where I never spoke in my life; and some of these alleged utterances have certainly been vile.

Q. Is the colored voter easily intimidated?—A. More easily intimidated than any voter, I suppose, who has the privilege of the elective franchise.

Q. More easily intimidated than a white man?—A. Decidedly so; there is no comparison whatever.

Q. Why is that? Can you give any reason for it?—A. The only reason that I can give is this: The colored man has been a slave; most colored men have; very few have grown up since the war. They are totally uneducated; they were punished corporally for any misdemeanor. The more ignorant they were the better slaves they were considered. There was less danger of insurrection by their being ignorant than being intelligent. The only punishment to which they were subjected was corporal, and if any evidence of manhood was evinced by a slave, it was crushed out immediately by that kind of punishment. They were uneducated when they were freed; they were ignorant; they

were timid and submissive, and that is their character, arising from their training and raising; they are the most timid class of people in the world; less resentful, perhaps, than any class of people known to history. Among themselves and toward black men they are courageous and sometimes brave, but as against a white man and in a conflict with white men they are desperately cowardly. That is my experience. It is my opinion that one white man, by reason of his superior education and training, can arm himself and put to flight perhaps a dozen colored men. The sense of fear is very largely developed in the colored man, much more so than in the white man. They are affectionate, however, toward white people with whom they have been raised; they feel kindly toward them, but are naturally timid. In consequence of all these facts, they are more easily intimidated than any class of people in the world.

Q. I believe you said you fought through the war in the southern army?—A. Yes, sir.

Q. Were you wounded?—A. I was twice wounded.

Q. Were any of your family in the war?—A. I had two brothers, and they both fill soldiers' graves.

Q. Soldiers of the confederate army?—A. Yes, sir; they were confederates. I served in the Third Texas regiment during the whole war.

Q. What is the general feeling or disposition of the white people of Mississippi in reference to the constitutional amendments? Is there a full and free acquiescence in those amendments?—A. They pretend now that there is; but my observation is that they are desperately opposed to the amendments—the great majority of the democrats of the State of Mississippi. They simply submit because they cannot help themselves.

Q. How was it with reference to the order of Attorney-General Taft in the recent election?—A. It was almost universally condemned.

Q. As an usurpation?—A. As an usurpation.

Q. Were any threats made against its execution by deputy marshals?—A. I have heard reckless men—I heard one man, for instance, say that he would canvass the county to arouse the people to drive out the soldiers if they came; but I thought it was from an irresponsible party, (a young lawyer there,) and I thought he would do as little fighting as anybody, when it came to that. There was very little talk of resistance by those who contemplated that course, if any.

Q. Do you know anything about republicans—men who have held office or otherwise—in Mississippi leaving that country, and staying away?—A. Yes, sir; I have known plenty of them to leave there; and simply because when a leading republican—a man who has been active in politics on the republican side—gets out of office or out of employment it is utterly impossible to get any more, and on account of their treatment, the ostracism toward them, and the opposition that would be made to any move toward getting employment or business, they were generally compelled to leave; both carpet-baggers and scalawags. I am considered a scalawag.

Q. What is the term "scalawag" applied to?—A. It is a native white.

Q. The term "carpet-bagger" is applied to a northern white?—A. A northern white, yes, sir. If there is a colored democrat from the North, they do not call him a carpet-bagger.

Q. What do they call him?—A. They call him a colored gentleman. They would not call him a nigger.

By Mr. KERNAN:

Q. You say the colored men are ignorant and timid as a body?—A. That is my experience—the former slaves.

Q. Those are the ones I refer to.—A. Yes, sir.

Q. And they are somewhat credulous, too, are they not?—A. Yes, sir, to some extent; some little.

Q. As a whole they are a body of voters who can be imposed upon by designing men pretty readily, are they not?—A. I do not conceive that they can be imposed upon. It is no trouble—the trouble is to keep them from voting the republican ticket. They take to the republican party just as naturally as——

Q. Have you not heard that they were told, even in 1876, that Mr. Grant sent the soldiers down there to prevent their being put back into slavery, and they were expected to vote the republican ticket, and if the other people got in there they would be put back into slavery? I have heard of officers saying that they had heard that that was done in one of those States. I ask only for that reason.—A. I have never heard such an expression from a republican in my life, but I have heard it from democrats.

Q. I do not know who I heard it from. I did not ask his politics. He did not come to me directly. A man told me that he would testify to that if he was called as a witness. All you can say, then, is that that has been claimed by democrats?—A. Yes, sir; but I have never heard it from a white or colored republican speaker or any member of the party.

Mr. KERNAN. I suspect not; and if you say so, I believe it.

The WITNESS. They do invent those stories.

Q. But there has been a good deal of talk of that kind some way or other by certain men?—A. Yes, sir.

Q. In reference to General Taft's order, do you or do you not know of the fact that republican and democratic lawyers took the ground in your State that this order of General Taft's was an unconstitutional order?—A. I know they did.

Q. And openly?—A. Yes, sir; such is my opinion.

Q. And from your reading you know that in the North it was openly denounced as an unconstitutional order?—A. I have seen it in the democratic press.

Q. You must have seen or heard of some democratic lawyers who have published their views over their signatures?—A. I have. That is my recollection.

WASHINGTON, *January* 26, 1877.

E. H. CRUMP recalled, at his own instance, for the purpose of making a correction or explanation in his former testimony.

By Mr. MITCHELL:

Question. State what you wish to explain; I do not know what it is. —Answer. I read my testimony, and the inference might be drawn from it that the county to which I belong had been carried by a wholesale system of fraud and intimidation.

Q. Name the county.—A. Marshall County, Mississippi. I wish to state that no such inference should be drawn, though I believe Marshall County is an exceptional county in the State of Mississippi; and if the balance of the State had done as well as the republicans did there, if there had been as little violence or intimidation as there was in Marshall County, the Hayes ticket would have carried the State by a large majority.

By Mr. KERNAN:

Q. You do not mean to be understood that your county was carried by wholesale fraud and intimidation?—A. I say, on reading my testimony, probably that inference might be drawn, as I stated that in 1872 the Grant ticket had been carried by about 1,200 majority, when in this last election the Tilden ticket was carried by about 200 majority; so that the inference might be drawn from that that there was a wholesale system of intimidation and fraud in the county. I wish to state that——

Q. You wish to correct that inference?—A. Yes, sir; that inference.

By Mr. MITCHELL:

Q. You think if the other counties in the State had done as well as Marshall, the State would have gone republican at the late election?—A. I think so, beyond a doubt.

Q. You do not mean, in the explanation you have given, to say that there was no intimidation in Marshall County?—A. Well, sir, there was some little intimidation, but it did not amount to a great deal.

By Mr. TELLER:

Q. The intimidation you explained?—A. Just as I explained.

By Mr. KERNAN:

Q. You do not think it amounted to a great deal in that county?—A. No. It is claimed as an exceptional county in the State.

By Mr. MITCHELL:

Q. Generally so understood, is it?—A. Yes, sir.

By Mr. KERNAN:

Q. What is the state of feeling between what you call the home white republicans in Mississippi and what you call the men from the North who have been down there holding office? Is it friendly, or is there antipathy between them?—A. Just state the question again.

Q. Is there prejudice and antipathy among the southern white republicans, those who have always lived there, southern men, and the carpet-baggers, so called, men who have been there merely holding office from the North?—A. There is a feeling of jealousy and a feeling of prejudice on the part of some home republicans toward some carpet-baggers, as they are termed. For instance, there is a portion of the republican party known as the Alcorn party, to which I very frankly say that I have been attached, and there is a feeling of prejudice against the carpet-baggers; and, by the way, I wish to state what is the cause of that. There are a certain class of carpet-baggers in the State who are believed by a great many home republicans to have come there simply for the purpose of holding office, and as soon as they lose their office they generally leave the State, some of them.

Q. What was the effect of that on the vote at the election in 1875, if any in your county or district, that you had knowledge of?—A. I stated in my first examination that there was a division in my county, one wing headed by Colonel Wiley Wells, present member of Congress, in opposition to his opponent, a man by the name of Howe, who was supported by a carpet-bagger well known in my county by the name of Gill.

Q. There was a party of republicans in 1875 that were called the Alcorn wing that opposed what was the other republican ticket, was there not?—A. Yes, sir; and the origin of which was in the contest between Ames and Alcorn.

Q. Did the democrats and these Alcorn republicans vote the same

ticket generally?—A. The democrats supported Wiley Wells for member of Congress, and a few of them supported the Alcorn ticket.

Q. The Alcorn men went for the democratic sheriff, did they not? The Alcorn ticket was a ticket with some republicans and democrats on it, was it not?—A. There was a division; but not to a great extent in my county.

Q. Was there a ticket that succeeded there?—A. Yes, sir.

Q. Was it voted for by the Alcorn men or a portion of them and the democrats?—A. Some of the Alcorn men—no, I do not say the Alcorn men now—Wiley Wells had great influence there among the colored republicans, and carried off, I think it is generally conceded, three or four hundred votes.

Q. He was running for Congress?—A. Yes, sir.

Q. The democrats supported him?—A. Yes, sir.

Q. Did not he and his friends support the local ticket for sheriff?—A. To the extent I named, two or three hundred votes in my county.

Q. And Wiley Wells carried off some republicans with him?—A. Yes, sir; those are the ones I have reference to.

By Mr. MITCHELL:

Q. You say there was some feeling of opposition on the part of the home republicans against those known as carpet-bag republicans. Did that feeling, whatever it amounted to, find expression in acts of violence or intimidation, as far as you know?—A. No, sir.

Q. Nothing of that kind?—A. Nothing that I am aware of.

Q. It never found expression in any species of ostracism, socially or otherwise, did it?—A. Well, there was some feeling, for instance, in the canvass between Wells and Howe. There was denunciation from the stump and from the stand.

Q. But that was all?—A. It was just about like what I have seen in all other contests of that sort carried on; but as for any violence, I never heard of it being proposed.

WILLIAM D. FRAZEE sworn and examined.

By Mr. MITCHELL:

Question. Where were you born?—Answer. I was born in the State of Indiana.

Q. Where do you reside?—A. I reside in Okolona, Chickasaw County, Mississippi.

Q. How long have you resided there?—A. I have resided in Chickasaw County since November, 1866. I have lived in the South since the 4th of July, 1861. I have been living South about sixteen years.

Q. And in Mississippi since 1866?—A. Yes, sir.

Q. Were you in either army during the war?—A. I was in the Confederate army four years.

Q. What official positions, if any, have you held, and where?—A. I was chancellor of my district, appointed by Governor Ames.

Q. In Mississippi?—A. Yes, sir; I am city attorney for the town I reside in.

Q. Anything else?—A. No, sir.

Q. Were you not republican candidate for one of the presidential electors at the recent election in Mississippi?—A. I was; in the first district.

Q. Is that the district in which Mr. Lee was candidate for Congress?—A. It is.

Q. Did you take an active part in the campaign?—A. Yes, sir.

Q. State briefly the character of that campaign, as carried on by you, and the general character of the campaign in the first district of Mississippi.—A. Captain Lee and myself made our appointments, commencing at Iuka, Tishomingo County. I did not fill any of the appointments until the Tupelo appointment in the county of Lee. The captain filled the others, and the assistant elector for the district. At Tupelo everything was comparatively quiet. That is in a largely democratic county. We went from Tupelo to Pontotoc. There was considerable excitement at Pontotoc, although no attempt at violence or anything of that sort, though the crowd was very much excited and made a good many threats, and talked very loud because we would not divide the time with them, and, as I understood, talked something about forcing us to divide time, but we spoke, and everything passed off quietly, I might say.

Q. Speak of those places where there was intimidation, or where there were acts of violence or any frauds that you know of, in the election.—A. I will state the only places really that I could say there was intimidation. One was Shannon, in Lee County, and I do not know whether you would call it intimidation or not. There was a great deal of loud talking, threats, and things of that kind.

Q. Describe what was done.—A. That would be a very difficult matter. There were a great many people there.

Q. Was this a republican meeting or a joint meeting that was called?—A. A joint meeting; but the democratic candidate for Congress was not present, and we were interrupted a great deal.

Q. Who were present as speakers?—A. Colonel Simonton represented the democratic side of the question.

Q. And you the other side?—A. Captain Lee and myself the other side.

Q. Did you all speak?—A. We all spoke.

Q. What was done, if anything, to disturb the meeting?—A. We were interrupted and in a great many different ways; scurrilous remarks, insulting remarks of various kinds, made.

Q. While you were speaking?—A. O, yes.

Q. Was the democrat interrupted when he was speaking?—A. No, sir.

Q. Everything was quiet then?—A. Yes, sir.

Q. Did the colored people give attention?—A. Yes, sir.

Q. When you spoke you were interrupted in this manner?—A. Yes, sir. I will state that, as I understood from Colonel Simonton and other democrats there, when they had a special meeting of the democratic club they passed resolutions that we should be allowed to speak, and I was informed that if it had not been for that we would not have been allowed. The president of the club got the club together, and through his personal influence and the influence of some other leading democrats they passed the resolutions to allow us to speak.

Q. Was that a unanimous resolution, do you know?—A. I suppose so.

Q. You do not know?—A. No; I do not know whether it was unanimous or not.

Q. Go on and describe any other meetings.—A. All I have to say is that it was so uncomfortable there that a man did not like representing his side of the question as he would wish to do. I felt intimidated, I must confess, from the general action of the crowd.

Q. You felt restrained from speaking what you thought you were en-

titled to speak?—A. I did. I did not feel like representing my side of the question as I thought the facts would have justified me in doing.

Q. Why?—A. Simply from the turbulent manner of the crowd and the remarks made, and the excited condition of the crowd.

Q. What did they say?—A. Well, I do not know what they did not say; they said a little of everything insulting.

Q. Give us a sample of the character of the remarks.—A. I do not know that I could remember the language exactly, because I did not have time to think much about what special remarks they were making; but there were very many things said.

Q. Were there any armed men there?—A. I did not see any.

Q. Was this meeting in a house?—A. Yes, sir.

Q. Did they remain seated while you were speaking?—A. Some were seated and some were standing up. It was in a store-house. Some were on the counters. It was a large store-house in the place. The town is a small one.

Q. About how many were there?—A. I suppose three hundred or four hundred.

Q. Describe any other meeting that you were at during the campaign. —A. We spoke at Okolona. There was really no interruption there. I said all I wanted to say at Okolona, I believe. That is where I reside. At Houston everything passed off quietly. All these places that I have been speaking of are in democratic counties. It is true at Okolona there is rather a republican majority in that section; but it is my home, and for that reason, I suppose, I was not interrupted. But Palo Alto is in a largely colored district, and about the time we commenced speaking about fifty or one hundred armed men, I suppose, rode up with red shirts and six-shooters on the outside and rushed in where the negroes were and pressed them aside, coming up right in front of where we were speaking, and they would stand up within five or six feet of us, ten or twelve or fifteen abreast, and fingering their pistols and looking at us right in the eye, as much as to say that if we did or said anything they did not like they would go for us, and all such as that. Well, I will say this in reference to the intimidation generally. Many threats had been made in various ways that they intended to carry the election if they had to kill half the niggers in the country, and that they were going for this white republican and that white republican. In fact, I have heard of a great many threats that have been made against me; that they were going to put me out of the way, or throw me in an old cistern, or swing me to a limb, or something of that sort; and I have received anonymous letters.

Q. What was the character of those letters?—A. Threatening me that it would not be safe for me to make a canvass, and all such as that. I was foreman of the United States grand jury that met at Oxford, northern district of Mississippi, in June, 1876, and when there I received a letter from a very prominent gentleman in my town, General Tucker, which has been published in the Boutwell report.

By Mr. KERNAN:

Q. Were you sworn before the Boutwell committee?—A. No, sir; but the letter was published in that report.

By Mr. MITCHELL:

Q. Who is Mr. Tucker?—A. He was a brigadier-general in the confederate army, a democratic member of the present legislature of Mississippi, elected in 1875; he took his seat in 1876.

Q. Is the following a copy of that letter which you received from General W. F. Tucker?

OKOLONA, MISS., *June* 12, 1876.

DEAR BILL: It is reported here that true bills are to be found against all the country around Okolona for the raid on the negro Baptist church and the charge of Stovall's brigade upon the viewless air from Egypt on day of election. If this be true, you ought to know, and I presume you do know that you, and you alone, will be held responsible for the action of the grand jury. You can very well imagine how pleasant a life you will lead among, say, two hundred men, who would all charge you with organizing a prosecution against them. You know I have always been your personal friend, and it is as a friend that I write to say if you are not already committed to that line of policy, don't allow the bills to be found. I think you know me well enough to give me credit for sincerity when I make such a suggestion.

I have abundant reasons for making it.

All well.

Yours, W. F. TUCKER.

A. That is the letter. Now I will state in connection with that, I received that letter while I was foreman of the United States grand-jury. I do not know that the seal of secrecy has been removed from my lips. Of course, when I was sworn in as a member of the grand jury I was sworn to keep all things that transpired before that jury secret; but I will state this, it was generally understood by every person in my section that I exerted myself very much to have all matters in connection with the last election thoroughly investigated, and that a great many witnesses were subpœnaed before the grand jury, and they all said I was responsible for it, and the feeling was very intense against me in my section, because they thought I was active in attempting to ferret out persons who had violated the election-laws. For that reason, whenever I would get up to speak they would ask me in a very insulting way about my grand-jury report. We made a report before the grand jury adjourned, and I was told by parties that men freely threatened my life in Okolona when I should return home.

Q. What circumstance was it that the letter of W. F. Tucker referred to in speaking of "the raid on the negro Baptist church"?—A. I will state here that this does not refer to the presidential election. This refers to the election of 1875.

Q. I am asking you what circumstance does he refer to in that?—A. That refers to a charge of a body of armed men upon a large number of colored men who had assembled at the colored Baptist church in our town during the election of 1875. The Baptist church is the place where the colored people usually meet to hold their colored meetings; and on election-day, being pretty timid, they will not come down town and stand about the polls, but they congregate at this church, which is probably half a mile from the polls, and then they will move down to the polls to vote in small squads. They will usually come into the church by daylight in the morning, clubs from different parts of the beat, and remain there until they have all voted. Frequently they go to the polls and vote and then return to the church, all remaining there all day, bringing their dinners with them, and frequently their wives and children come with them. It is a sort of big day with them.

Q. You say this referred to a raid on that church?—A. A raid of armed men. I did not see the raid.

Q. As a matter of history, what was that raid?—A. It was a body of men who made a raid on the church, armed, some with shot-guns, some with Evans navy shooting-rifles, and some with needle-guns.

Q. What did they do?—A. They fired a few shots and frightened the negroes away. They did all they wanted to—ran the negroes to the woods.

Q. On the morning of the election?—A. No; about two o'clock the day of the election.

Q. Before the negroes had voted?—A. I understood that nearly all of those, 150 of those they drove away, had not voted. I never counted them; but quite a number I know, from information that I have derived from parties who were present, had not voted.

Q. Did you get any other threatening letters?—A. No, sir; I did not; I was informed by parties whom I considered reliable——

Mr. KERNAN objected to statements on information derived from others.

[Objection overruled.]

Q. (By Mr. MITCHELL.) What do you understand Mr. Tucker to have referred to when he speaks of "the charge of Stovall's brigade upon the viewless air?"—A. I do not know. I suppose the general got into rather a poetical mood when writing the letter, and put that in for ornament more than anything else. What he was describing at that time was this: Just about the time this charge was made upon the negro church, some persons, as I have been informed by democrats, telegraphed to Egypt, which is about seven miles south of Okolona, and a voting-precinct in the same beat in which I resided, to a company of cavalry. They were commanded by this man Stovall. He was the captain of the company, so they said—I do not know—and they say that they came from Egypt to Okolona in a very short space of time. When they got there their horses were foaming, but when they struck town they came circling around the suburbs, and then galloped up the streets, whooping and yelling, up Main street in front of the polls, all armed with double-barreled shot-guns, six-shooters, &c., and I understood one of them rode up to General Tucker, who is a prominent man, and said, "General, whenever you say the word, we are ready to go to killing niggers." That is only hearsay.

Q. This same Tucker?—A. Yes, sir.

Q. Is the following the report made by you as foreman of the grand jury, after the receipt of the letter?

UNITED STATES GRAND-JURY ROOM,
NORTHERN DISTRICT OF MISSISSIPPI,
Oxford, July 8, 1876.

Hon. R. A. HILL, *Judge, Presiding:*

The United States grand jury for the northern district of Mississippi, at Oxford, June term, 1876, beg leave to report that they have examined two hundred and eighty-one witnesses, and found ninety true bills. A large majority of these bills were for violations of the revenue-laws.

Although we have had a protracted session, we have only made a partial and cursory examination of the innumerable cases of violations of the election-laws that have come to our knowledge. We regret to report that, from the examination had, we must say that the fraud, intimidation, and violence perpetrated at the late election is without a parallel in the annals of history, and that time would fail us to take the testimony that could be easily introduced demonstrating the fact that there is sufficient ground for the finding of thousands of indictments against persons who are grossly guilty of the above-mentioned violation of the election-laws.

From the facts elicited during this grand inquest, and from our own knowledge of the reign of terror that was inaugurated during the late election campaign, we can only recommend to the citizens of Mississippi to make an earnest appeal to the strong arm of the United States Government to give them that protection that is guaranteed to every American citizen; that is, protection in freedom of speech, in their person and property, and the right of suffrage.

We do assert that all these rights were openly violated and trampled in the dust during the late election, and that there is no redress for these grievances under the present State government; and unless the United States Government enforces that shield of protection that is guaranteed by the Constitution to every American citizen, however humble and obscure, then may the citizens of Mississippi exclaim, "Farewell to liberty! farewell to the freedom of the ballot-box!"

In conclusion, we would tender our thanks to his honor Judge Hill for his clear and concise charge made to us on our organization as a grand jury, and to the district attorney, Judge T. Walton, and his able assistant, B. W. Lee, for their able and impartial counsel during our sittings; and also to Col. J. H. Pierce, marshal, and his indefatigable deputies, for their promptness in the discharge of their duties.

Respectfully submitted, and adopted by the grand jury this 8th day of July, A. D. 1876.

WILLIAM D. FRAZEE, *Foreman.*
W. H. DODSON, *Clerk.*

The above is a true copy of the report of the United States grand jury at the June term, 1876.

B. W. LEE,
Assistant United States Attorney.

A. Yes, sir. Now, in connection with that, I want to explain to the committee something about how that report originated.

Q. Make any explanation you desire.—A. A good many persons seem to think it strange, if that report is true, that no true bills were found. I want to explain that for my own satisfaction and my own justification. Every lawyer knows that it requires twelve men to find a true bill on a grand jury. We had eighteen men upon the grand jury when that report was adopted, and although we had not enough men on the grand jury to find a true bill, a majority of the grand jury were in favor of true bills, and a majority of the grand jury adopted that report.

Q. Were there less than twelve men on that grand jury republicans?—A. No, sir; I think there were more than twelve republicans.

By Mr. KERNAN:

Q. Give us the number of each party.—A. I do not know that I could tell you the exact political status of every man upon the jury. There were three or four men upon it that seemed to have no political predilections whatever—rather independent. There were, I think, about two outspoken democrats on it.

By Mr. MITCHELL:

Q. How many colored men were on the grand jury?—A. I do not remember; I think about seven. I am not positive about it.

By Mr. KERNAN:

Q. How many republicans do you say?—A. I do not know. I am speaking of the time we adjourned; there were eighteen members present. I think two of those were democrats and about two or three independents, and the balance republicans.

By Mr. MITCHELL:

Q. Did you exhibit to the grand jury the letter you received from Mr. Tucker?—A. I do not know whether that is a proper question or not. It is true I was subpœnaed before the grand jury and required to bring the letter, but when you ask what testimony I gave in reference to the letter before the grand jury, or whether I gave any testimony in reference to the letter, I do not know whether that is a proper question.

Mr. MITCHELL, [after consultation.] It is the judgment of the committee that you should answer the question.

The WITNESS. I will state this in connection with that: When I first received the letter I never intended to make it public; but I did not feel that I could have a letter of that character in my possession without letting some person know it. I did not know what might come up in the future. I went to Judge Walton and told him I had received a letter addressed to me as foreman of the grand jury.

Q. Who was Judge Walton?—A. The United States district attorney, and I wanted to show it to him as a friend, and not as an official. I told

him the reasons why; that if no true bill were found, and no person ever heard of the letter, probably they would say, "Well, we fixed Frazie up, we settled his hash, and that letter is what done it," and all this, that, and the other, and "we intimidated him;" so I told him that I wanted to show it to him, and I would do it as a friend; and I wanted him to pledge himself that he never would expose it. He told me he would. A few days after that I was in his room, and another member of the grand jury was in there, and this other member of the grand jury was speaking about a letter another gentleman, Mr. Cavitt, of Noxubee County, I believe, had received, of rather a threatening character. Judge Walton immediately spoke up and said, "Why, Frazie received one of the same character a few days ago from General Tucker."

Q. That let the secret out?—A. I said nothing more about it, but this man then communicated it to Cavitt. Cavitt was subpœnaed before the senatorial investigating committee while they were sitting at Aberdeen, and while giving his testimony he referred to the letter. After Senator Boutwell returned home he telegraphed me for a copy of the letter, and I believe there is a certified copy published in his report.

Q. This Cavitt was another member of the grand jury?—A. Yes, sir.

By Mr. KERNAN:

Q. He was sworn before the Boutwell committee?—A. Yes, sir.

By Mr. MITCHELL:

Q. Do you know the character of the letter he received?—A. I never saw it—know nothing about it—only some persons said it was rather a threatening letter.

Q. State what you know, generally, in a few words, about the military organizations in this district during the last campaign?—A. Every thing is conducted in such a way in our State that, of course, I can tell nothing of my own personal knowledge. I know this, though, from information derived from democrats, that they have an organization there.

Mr. KERNAN objected to information derived from democrats as well as republicans.

(Objection overruled.)

The WITNESS. From information derived from democrats they have an organization throughout the county. Whether they are democratic clubs or not, I do not know; but each one of those companies or organizations had their officers, called captains. I knew I was referred to the captain of the company once when I was at Buena Vista. I had been informed by several parties before I went there that they did not think it was safe for me to be there, and from all the surroundings I felt a little unsafe, and I spoke to one or two prominent men in reference to the matter; that was in Buena Vista, Chickasaw County, in 1875. They referred me to the captain of the company—one of these men did. Dr. Pulham was the man who referred me to the captain of the company, and he said, "If he says it is all right, it is all right," or words to that effect, and told me where the captain of the company was, and I went to see the captain.

Q. (By Mr. MITCHELL.) Did you have any talk with him?—A. I did. I told him the information I had received, and I will state that I received the information from my father. He is a democrat, a member of the democratic club. We have very few men in the republican party who are qualified to hold elections, and the republicans asked me to

consent to act as one of the judges of election at Buena Vista, and I went there in that capacity, as one of the judges of the election.

Q. You mean that in your county the republicans are principally colored men?—A. Yes, sir; I do not think there is a white republican who lives in that beat. My father sent for me Sunday previous to the election, and told me that he did not think it was safe for me to go to Buena Vista; "and," said he, "from the information I have I should advise you not to go," and he urged me not to go. He lives about a mile from the town. I went out there. He urged me not to go, and impressed upon me the danger that I was in. While I was out at my father's, my mother-in-law, who is a democrat—and so are all my wife's family, a rather prominent democratic family—was down at my house and told my wife the same thing. When I returned home, my wife was telling me what her mother had told her. I, of course, became somewhat uneasy, and I put myself to a little trouble to inquire. I received the same information from two or three other men. There was an old gentleman from Dubuque, Iowa, down there at that time by the name of Finn, a railroad contractor. He was there contracting to build a railroad. He told me, from the information that he had received while at the hotel, general conversation at the table, that I was unsafe; and colored men came to me and told me of threats that had been made against them.

Q. All these statements tended to the point that it was not safe for you to go there?—A. Not safe for me to go there. That is the reason that I inquired after I arrived there. Of course I did not propose to make a martyr of myself, and wanted to be on the safe side, and wanted to be prepared for anything that might come up, and if I had to go up, as the saying is, I wanted to make the best showing I could. But that was the reason I inquired, when I was directed to the captain of the company. When I first asked him the question, he rather hung his head and hesitated a little while.

Q. What did you ask him?—A. I asked him the question directly whether he thought it was safe for me to remain there on election-day and act as judge of election.

Q. What did he say?—A. He hung his head. Finally he told me, "Well, I reckon it is." But I had been told by an old gentleman there by the name of Wallace (without any solicitation on my part; he came to me) that he did not think it was safe for me to remain there and act as judge of the election.

Q. Was he a democrat?—A. He has always acted with the democratic party, I believe. He is rather a moderate man, though; a very nice gentleman, indeed.

By Mr. KERNAN:

Q. This captain hung his head, and said he thought it would be safe?—A. He hung his head a minute, and seemed to be in study, and then he said he thought it would be, or he should see that I was protected.

By Mr. MITCHELL:

Q. This man who directed you to the captain of the company told you who the captain was, and who also told you, as I understand, that if he said it was to be all right, it would be all right?—A. That was the substance of his remark. I do not know whether that was his exact language or not, but that was the substance of it, that if he said it was all right, it would be; or words to that effect. I will state in this connection that it is a very difficult matter to describe the intimidiation that takes place in that country, it is of so many different characters.

By Mr. KERNAN:

Q. Before you pass from this, let me ask, did you act as judge there?—A. I did act as judge, and was not molested.

By Mr. MITCHELL:

Q. You had the assurance from the captain of the company that you would not be?—A. Yes. I will state, in connection with that, that after we had closed the polls, there was a gentleman came to the door of the room in which we held the election, and called me out. I had scarcely got out of doors before one of the judges of the election, Dr. U. S. Williams, one of the democratic United States inspectors—and I was his guest while I was there, and he treated me very kindly, indeed—came up to where a was, and put his hand upon my shoulder, and told me he wanted to see me. As soon as he got me out of the crowd he said, "You had better come in the house; I do not think it is exactly safe for you to be out here." That was after the election was over.

Q. If you had not received this assurance from the captain of this company, would you have gone there?—A. I should have gone there under any circumstances, for the simple reason that I knew this: I have been an active man there and a practicing lawyer, and I knew very well that if I showed the white feather I had just as well pick up and leave the country; I could not stay there.

Q. You would have taken the chances?—A. I should have taken all the chances.

Q. Would you have felt safe in doing so?

(Mr. Kernan objected. Objection overruled.)

The WITNESS. I should not have felt I was safe. I felt uneasy all the time, even with the assurance.

Q. (By Mr. MITCHELL.) During the election campaign, there was a meeting at Artesia; were you there?—A. Yes, sir.

Q. State what occurred there.—A. I would rather commence at West Point and go down.

Q. Very well.—A. Our appointments were West Point, Starkville, and Artesia.

Q. Take them in their order and describe what took place at each place.—A. I do not remember the date. It was some time in the latter part of October, 1876. We had an appointment there. Captain Lee and Colonel Muldrow spoke, and when I got up on the stand and attempted to speak they hooted and yelled so much that I could not speak. That was all there was about it. The red-shirt fellows with their pistols were out, and they hooted and yelled and asked me for my grand-jury report, and all such things as that. Finally, they quieted down for probably a moment. I attempted to speak again, and the same thing was repeated over and over. They offered me no violence at all.

Q. Was this meeting in the open air?—A. In the court-room.

Q. About how many people were there altogether?—A. I do not know, but I suppose four or five hundred. The court-room was crowded; perhaps more than that.

Q. Were these red-shirted men armed?—A. Yes, and we could see the pistols buckled on the outside of their clothes.

Q. About how many of these red-shirted armed men were in that court-house hooting and yelling?—A. There may have been a hundred probably, probably more; I could not state exactly. They were scattered all through the crowd.

Q. All through the audience?—A. Yes, sir; there were fifty or a hundred of these fellows any way.

Q. Did they prevent you from speaking?—A. I could not speak, they made so much fuss.

Q. Did you abandon the attempt?—A. Yes, sir; I got off the stand and went to a side-room; staid there a few minutes; one or two of the democrats came to me and asked me to speak; said they thought the crowd had ceased their noise and would let me speak. I went to the stand, got up again, and as soon as I commenced it was the same thing over again. I suppose I was attempting to speak for half an hour. They called out for the grand-jury report and such things as that.

Q. What else do you remember was said?—A. I do not think of anything else that was said in the room.

Q. There was general tumult?—A. General tumult. I suppose you might designate it in that way.

Q. What did you do? Did you leave the building?—A. I left the building, and was invited out about half a mile to a friend's to dinner. I left the court-room and when I had gone probably a hundred yards I became aware that I was followed by about thirty-five of these red-shirt fellows, and they followed me for probably half a mile.

Q. What did they do?—A. They said, "Let's stop him," "Let's go for him," "Head him," and "Catch him," all such things as that. I understood some said—a friend of mine told me afterward some of them said, "Let's kill him." I did not hear that, but a great many such expressions as "Let's stop him," "Let's go for him," "Head him off," or something of that sort.

Q. How near did they come to you?—A. I suppose they were seventy-five yards from me. I did not notice them very particularly, because when I became aware that I was followed I would not look back at all, because I was afraid if I did it they might attack me, and I walked along as though I was unconscious of being pursued at all.

Q. Had you a friend with you?—A. No, I was alone.

Q. Had you stopped at the hotel the morning or the evening before?—A. No, sir; I came in from the country in the morning, from Palo Alto. I had staid with a friend of mine, Mr. Abbott, formerly senator from that county. I came in in the morning, and arrived in town about nine o'clock, I suppose; and this friend of mine, Mr. Harrington, asked me out to dinner.

Q. About how far did they follow you from the court-house to where they turned back?—A. Nearly half a mile.

Q. Out of town?—A. No; it was in the suburbs of the town where they stopped.

Q. That is all that occurred at that place?—A. Yes, sir.

Q. Where was the next meeting?—A. At Starkville.

Q. The county-seat of Oktibbeha County?—A. Yes sir.

Q. Describe that meeting. What transpired there?—A. I suppose you want to know all the particulars; it will be necessary to give them all in order to give the committee an intelligent idea of what did transpire.

Q. Be as brief as you can.—A. We had an appointment, and that appointment was at what is commonly known as P' John Church; that is the name of the church, a colored church, owned by the colored people. The colored people had assembled at that church; but Colonel Muldrow and Judge Acker, the democratic candidates for Congress and elector, sent word to us that they preferred speaking in the streets. We objected to that. We finally appointed a committee of conference, two republicans and two democrats. They finally agreed that the speaking should take place at the fair-ground, which is rather in the western

portion of the town; in fact, I might say the extreme western portion. This I' John Church is in the extreme eastern portion of the town. I think those are the directions; certainly one is on the one side, and the other on the other side of the town, opposite. I do not know that I understand exactly the direction. We then sent word to the colored people who were assembled at this church that the speaking would take place at the fair-ground, and they started for the fair-ground in a body. What I am speaking of now is all hearsay, from Judge Orr and Colonel Muldrow and Judge Acker, I believe. They started in a body to march to the fair-ground; and it was necessary for them, in order to get to the fair-ground, to march through the town, or through some portion of the town, or go a mile or two out of the way to get around. They were marching through one of the back streets, and I suppose were about half-way to the fair-ground, from the information derived from Judge Orr and Colonel Muldrow, when a crowd of fellows armed with six shooters, and with red shirts, met them. They were beating a drum, and playing a fife, and had, I believe, a United States flag with them.

By Mr. TELLER:

Q. Who had the flag?—A. The colored people had the flag and were beating a drum and playing a fife. These red-shirt fellows told them that they could not go through the town beating their drums, or their damned drums, and blowing their fife, and pulled out their six-shooters, I believe, and halted them. About that time they sent for Judge Orr and Colonel Muldrow. They went up there and talked to those fellows and told them that they had the right to beat their drums and play their fifes, and asked them to let them go on to the fair-ground, which was the place of speaking. These fellows left. They had hardly left before some more fellows with red shirts on came up and they stopped the crowd again. Judge Orr appeased that crowd and they left. They had scarcely left, I believe, till another crowd came up. I saw a large body of them standing in the road near the fair-ground, and occasionally a squad would ride off in the direction where this column was coming. After several efforts on the part of Judge Orr, as he reported to Captain Lee and myself, he came to the conclusion that it was impossible to have a speaking, and so reported to us and told us that he had advised the crowd to go home, and they told us that it was impossible for them to control their own men; that it would not be safe to have a meeting. None of us spoke. We then agreed that we would not attempt to speak, and we did not speak. They had two cannons there and were firing on the streets all morning. The red-shirt fellows were parading up and down the streets with pistols swinging all the morning and were continually firing two or three hours on the streets.

Q. Where were these democratic clubs from?—A. One battery or piece of artillery was from West Point, one club was from Palo Alto, and another club was from Starkville.

Q. How far is West Point from Starkville?—A. I really cannot tell. I suppose sixteen or twenty miles.

Q. How far is Palo Alto?—A. I do not know the distance.

Q. Come as near as you can.—A. I think it must be fifteen or twenty miles. I do not know the distance.

Q. Is it a neighboring town?—A. Yes, sir.

By Mr. KERNAN:

Q. Were they from different parts of the same county?—A. No; different counties. Starkville is in Oktibbeha County and Palo Alto and West Point are in Clay County, formerly Colfax.

By Mr. TELLER:

Q. Did you hear anything about these clubs being there when you were at West Point?—A. I was told while at West Point that this same crowd that had prevented me from speaking at West Point was going to Starkville to prevent me from speaking there.

Q. And you found them there?—A. They were there.

Q. You had no meeting?—A. No, sir.

Q. What number of colored people did you have out there?—A. Five or six or seven hundred altogether.

Q. What number of white people were there in this armed crowd?—A. I do not know. I reckon there must have been at least two or three hundred, probably more. It is a very difficult matter for a person to estimate a crowd of that character where they are scattered around.

Q. Were the colored people armed?—A. I saw none of them armed.

Q. Were the colored people quiet and orderly?—A. Very quiet, as far as I saw.

Q. Was there any other place where you know of any disturbance?—A. The next place was Artesia, in Lowndes County.

Q. State what occurred at Artesia.—A. Captain Lee and myself arrived there the night before. I met a colored man, and I asked him what was doing there. He had been route-agent on the railroad. His name was Cæsar Simmons. I told him that I had come there to make a speech, and he remarked to me, "Well, that is all foolishness; you are not going to speak here to-morrow." I asked him why. "They are not going to let you speak." How do you know? "Well," said he, "I have information, from what I have heard around here, that they are not going to allow you to speak." The next day Captain Lee and myself were in our room at the hotel, up-stairs, and while there the captain remarked to me, "Well, Frazie, I hear drum-beating." I got up and walked to the door and saw a large body of colored men—I suppose one hundred or two hundred—I do not know how many—quite a considerable crowd. They had a drum and a flag and were going in the direction of a vacant public square, I suppose you might call it—a vacant piece of ground between the hotel and the business portion of the town, off one of the roads. I went back to bed and lay down a little while. The noise of the drum continued to come closer; and I went to the door again and looked out. They were then crossing what is known as the Starkville Railroad; that is up a little north of the hotel. Just as the head of the column got across the road—the embankment is thrown up there considerable—I saw some colored man with a sword in his hand step out in front, and I heard him give some military order. What that order was I do not know. I think, though, it was, "Right shoulder shift arms," because, at that very moment, I saw several of the colored people throw their guns up on their shoulders and come to a right shoulder shift. I said to the captain, "Some of these fellows seem to be armed." He said he was very sorry for it. I suppose there must have been between twenty or twenty-five and fifty. I do not know how many—thirty or forty. I never counted them.

Q. In the crowd?—A. In the crowd that were armed.

Q. Do you mean twenty-five to thirty armed?—A. Twenty-five to forty armed. I do not know exactly how many—probably more; somewhere between twenty-five and fifty, I will say.

Q. There were more in the procession?—A. Yes; a great many more in the procession who were not armed; between twenty-five and fifty were armed, I suppose. They marched on through town some considerable distance out in the suburbs. Captain Lee remarked to me that

he was very sorry that they were armed, and told me that we must have them to disarm themselves. About that time Major Whitfield, who is a republican of Lowndes County, came up in our room. We told him that he must go out there and tell those colored people they must send their arms away or we would not speak to them; that we did not propose to speak to armed bodies. He went out there, and in a little while, a few minutes—I do not know how long—the body marched back through town. I was standing in the door, and the column had partly gone past. About the time they started to march back, there was a special train coming from Columbus with a piece of artillery and probably thirty, forty, or fifty men or more—I do not know how many; a considerable crowd, though. I saw the column marching along and saw a wagon marching in the rear of the column, probably fifty yards in the rear. The column had got pretty well past, and the wagon got to about opposite the hotel when I saw these young fellows from Columbus going out in the direction of the wagon. What they said or what they did I am unable to say. I was not close enough to hear what was said, and, of course, under the circumstances, I could not see everything that was going on; but the first thing that I remember seeing in connection with the wagon was the colored man upon one side of it with a gun in his hand, and a white man on the other, and the white man fired, and about that time the firing commenced generally. I suppose a hundred shots were fired. I do not know how it happened, but, of course, I have my own theory about it. My theory is that they attempted to stop the wagon. I do not know that, though; but the wagon stopped about that time; and the colored man was on the other side of it and he had his gun put in this position, I think, [indicating.] The white man, one of those fellows from Columbus, on the other side, had his pistol and he fired. There were about a hundred shots fired, I suppose.

Q. Was anybody killed or hurt?—A. I do not know whether anybody was killed or not. It was reported to me that five or six were wounded, and it was reported to me that one died afterward.

Q. Who were wounded, colored or white people?—A. All were colored that were reported to me wounded. I heard of no white men being wounded at all.

Q. Who did the firing?—A. I did not see any person firing but those young fellows from Columbus—white men. I do not think any colored people fired at all. I did not see any of them fire at all, because at the very first shot all the balance of them ran. They had put their guns in the wagon, and this was the only colored man I saw with a gun at that time.

Q. What guns did this wagon contain?—A. I don't know how many. They got out any number of guns.

Q. Where did they come from? Who put the guns in the wagon?—A. I did not see the guns put in there. I only know what Major Whitfield told me, that he had them put in the wagon.

Q. In other words, the negroes had disarmed and put their guns in the wagon?—A. Yes, sir.

Q. Your theory was that the other party attempted to take the wagon with the guns in?—A. I think there is no doubt of it, because I saw the crowd advancing down in the direction of the wagon.

Q. Did you understand at that time, or did anybody claim to know, that the colored men had done any firing?—A. No person ever charged that the colored people did any firing. I heard some of them say that this gun went off.

By Mr. KERNAN:

Q. This one colored man's gun?—A. This one colored man's gun; but I do not think it did, because I saw the firing of the first shot and I am satisfied there was only one shot fired at the wagon there.

By Mr. TELLER:

Q. That was fired there at the wagon by the white man?—A. Yes, sir; from a pistol.

Q. What became of the guns that were in the wagon?—A. I know what become of them. This rifle company or these young men who came from Columbus carried the guns back with them, because I went over to Columbus on the same train with them and saw the guns there.

Q. About how many guns did they carry?—A. I do not know. They looked like twenty or thirty, along there.

Q. Did you understand that they were all the guns this colored procession had?—A. I do not know that I heard anything said about that, whether they were all of the guns or not, but that was the general understanding, that they got all the guns.

Q. What occurred after this? What became of your crowd?—A. The colored people took to the prairies.

Q. They left the town?—A. O, yes.

Q. Was there any meeting?—A. None at all.

Q. You had no public speaking then?—A. No, sir.

Q. How many of these white men had come in on this train?—A. I could not tell you—a considerable crowd; I suppose fifty, or sixty, or seventy.

Q. What was the first thing the whites who came in this train did when they got to the town?—A. About the first thing they did when they come in town was to go out on the west side of the hotel; I do not think it was five minutes, they had not been in town more than five minutes before the shooting commenced.

Q. Had they fired the cannon before this shooting?—A. I am not positive, but my recollection is that they had fired the cannon; they had it out on the public square. I know it was fired during the day several times, and I think they fired it before the shooting commenced.

Q. Were there any white clubs there except the one that came in on this train?—A. I do not know. There were quite a number of white people in the town; I suppose from the country and the citizens of the place. There was a good crowd of them there.

Q. That was in Lowndes County?—A. Yes, sir.

Q. Did you make any speeches at all in Lowndes County?—A. I did not.

Q. Did you attempt it at any other place?—A. No, sir.

Q. Do you know of any in Lowndes County?—A. No, sir.

Q. Do you know what is the republican vote in Lowndes County?—A. I think the return made by the democratic returning-board of Lowndes County was two votes out of about 4,000 republican votes, the usual vote in the county.

Q. Do you know what is the colored vote in that county?—A. About 4,000. It is between 3,500 and 4,500; I do not know the exact number; but we had carried the county in 1869, 1871, 1872, and 1873 by something over 2,000 majority. That is my recollection.

Q. Do you know what the white registration was?—A. Between 1,400 and 1,800.

By Mr. KERNAN:

Q. What was the colored registration in that county?—A. Between 3,500 and 4,500.

By Mr. TELLER:

Q. You think the colored registration is about 4,000?—A. I think between 3,500 and 4,500. I cannot state exactly what it is, but it is in the neighborhood of 4,000, not less than 3,500.

By Mr. KERNAN:

Q. What was the entire vote?—A. Two thousand one hundred democratic votes in that county, and but two republican.

By Mr. TELLER:

Q. That has always been regarded as a strong republican county, the strongest in the first district, has it not?—A. Yes, sir; generally about 2,000 republican majority in it. At all elections up to 1875 we carried the county by about 2,000 majority.

Q. Do you remember what the republican vote was there in 1872?—A. I do not. I know we always considered that we had about 2,000 republican majority in the county.

Q. Did you make any other speech in any other part of the State of Mississippi?—A. No, sir.

Q. Did you and Colonel Lee make any report of this transaction at Artesia?—A. Yes, sir.

Q. To whom did you make it?—A. I do not know to whom we made it. I think it was to Lieutenant Bishop. There was rather an agreement between Captain Humphreys, Captain Lee, Judge Acker, and myself. He arrived there some time after the difficulty occurred, and he wanted to know the facts.

Q. Who was that?—A. Lieutenant Bishop.

Q. Did Acker join you in a report?—A. Yes, sir; the democratic elector. We all made a report, and the report, I believe, was for the benefit of Lieutenant Bishop. He wanted to report to the general commanding in New Orleans in reference to the matter, and we agreed upon the report which in substance covered the whole thing.

Q. What did Acker say about it?—A. I do not know what point you want about it.

Q. What did Acker say to you and Colonel Lee about the safety of your persons?—A. He said this, in conversation with Lee and myself, after those things occurred in my room; it was about this, in substance, speaking to Captain Lee: "Do you know, Lee, that I could have had you and Frazee killed at any time during this canvass; and do you know that I have been a great protection to you during this canvass," and such things as that. Captain Lee told him that he was aware of that fact. And I think he said about this thing, "Just with the crook of my finger, or with the utterance of a single word, I could have had you both killed at any time." That was the substance, I think his exact language.

Q. Do you know General Sharpe?—A. Yes, sir; I have met him once or twice.

Q. What did he say about protecting you and Lee?—A. Soon after this occurrence we were at the dinner-table; he was sitting at one end of the table and I at the other——

Q. Who is General Sharpe?—A. General Sharpe was a brigadier-general in the confederate army, and, I think, was chief of police for a few days in Columbus, Miss., the night before the election in 1875, and the

day of the election. He was a brigadier-general in the confederate army, with no official position now.

Q. A democrat?—A. Yes, sir; a democrat.

Q. Now state what he said.—A. The substance of his language was this: We were talking about matters and things generally, and finally he remarked to me, "Frazee, if it had not been for me and Captain Humphries, and one or two others, the boys would have come up to your room and taken you out and shot you, or something." That conversation was directed to me. I was sitting right by him.

Q. Was Lee present?—A. I think he was sitting at the table, or near there. He was in the room, reading at the time, I believe. Then he remarked to me: "As we were coming over from Columbus, this morning, I told the boys that if any difficulty occurred to day, they must not molest you and Frazee; that you were confederate soldiers, and made good soldiers, and all that, and that you must not be molested."

Q. They did not molest you because you had been confederate soldiers?—A. That is what he said he told the boys, and it was understood on the train, Lee and myself should not be molested, if anything occurred, because we were good confederate soldiers.

Q. Had you both been in the confederate service?—A. Yes, sir.

Q. Do you know anything about the method pursued in the registration of colored votes?—A. I think I do.

Q. In what county, and what was it?—A. I can tell you how they managed the registration in my county, Chickasaw.

Q. Go on and state it.—A. In the first place, they appointed two democrats on the board; and then they appointed a colored man who was never considered much of a republican; in other words, they had the entire control of the board.

Q. Was he an intelligent or an ignorant negro?—A. He is quite a sharp fellow, a pretty shrewd negro; but he is not considered a republican by any means.

Q. Go on.—A. When a party came up to register, they would make him swear to the section, the township, and the range upon which he lived. The registration-law, also, provides that the board can meet at the county-seat, after they have taken all the names down, and revise the registration-lists upon a satisfactory showing. It does not provide what character of testimony shall be necessary in order to justify the board in erasing a man's name who is registered; and it does not provide that a party shall even be notified that objections have been made to his registering and given an opportunity to come forward and show that he was properly registered. I know of a great many who registered or thought they were registered—they went through the form of registering; but when they went to vote, their names could not be found on the registration-book. Of course, it was a very difficult matter for an ignorant man to swear to the section, and township, and range on which he lives.

Q. A great many of the negroes could not do it, I suppose?—A. There were some that did not do it; their names could not be found in the registration-book. I know several whose names were not on the registration-book when they came up to vote.

Q. Could they not vote if left off by mistake or accident?—A. No; there is no provision for anything of the sort. They give a person no certificate of his registration; no showing whatever.

Q. They just put it on a book?—A. Upon a blotter, my understanding is they put it, and then they go to the county-seat and revise that registration-book and transcribe it to another book; and then if any

person comes up and objects to a person being registered the board is authorized under the law to scratch out his name. It does not say the testimony shall be under oath, but it is simply on satisfactory showing to that board.

Q. After a man's name is on the book?—A. Yes, sir.

Q. Is there any provision that the party shall have notice?—A. Nothing of that sort.

Q. Do you know B. F. Owen?—A. A man named Owen, and West and Brothers were the registrars of our county.

Q. Do you recollect seeing this article in the Okolona "Southern States:"

A HEAVY DAY'S WORK.

EGYPT, *August* 15, 1876.

DEAR COLONEL: We had a heavy day's work yesterday. Freedmen fully aroused, and well informed as to location in the district, being able in many cases to give section, township, and range. From indications, we fear our people are not sufficiently awake. Registration yesterday: 181 colored, 51 white.

B. F. OWEN.

A. I saw that.

Q. And at the bottom of the article is, "Wake up, white men, and register at once! Register to-day!"—A. Yes, sir; I saw it.

Q. Did you see that in the paper?—A. Yes, sir.

Q. Is Owen a democrat, a member of the board of registration?—A. Yes, sir.

Q. This was published about the time it purports to be?—A. Yes, sir; published while the registration was going on. I remember seeing it in the Southern States.

Q. Do you know anything about colored men being discharged for having voted the republican ticket?—A. I heard of their being discharged. I do not know of any of my own knowledge. In the canvass of 1875 I do not think I heard a democratic speaker unless he threatened them with discharge or non-employment if they voted the republican ticket. All of them used such language as that.

Q. Did they not pass some resolutions on that subject?—A. Yes, sir; they passed resolutions.

Q. Were they published in the papers?—A. Yes, sir.

Q. Do you remember seeing published in any paper there what I will now read to you:

HOUSTON, *January*, 1876.

Pursuant to a call of the president, the club met at the court-house at eleven o'clock a. m., W. S. Bates, presiding.

On motion of Captain Frank Burkitt, the following resolutions were read:

1. That we solemnly declare our purpose to stand to and abide by our pledges made during the canvass; and that we will hold in utter detestation any man claiming to be a conservative democrat who, by any equivocation, shall in the least violate the sacred promises made by us previous to the election, either as a club or as individuals.

2. That at no time, and under no circumstances, will we employ those who are regarded as leaders in the radical party.

3. That we will not employ a laborer who has been discharged by any member of our club because of his past political course.

4. That the members of this club are requested to send in to the secretary the names of all persons turned off by them under the above resolutions, and that the executive committee of the county is requested to publish their names.

5. That every other club in the county be requested to take like action.

6. That our papers are requested to publish these resolutions, and the names of persons sent to them by the executive committee.

7. That colored men are invited to join this club.

8. That this club meet the first Saturday in each month.

J. B. GLADNEY,
Secretary.

Do you remember these resolutions being published at the time?—A. Yes, sir; published in our county paper—a democratic paper—the Chickasaw Messenger, I believe.

Q. Do you recollect seeing this published since the election, or anything equivalent to this:

[Chickasaw Messenger.]

BUENA VISTA, MISS., *January* 1, 1876.

EDITOR MESSENGER: The following list comprises the freedmen that have been reported by the members of the Buena Vista democratic-conservative club as the one-third that would be refused to recontract for the year 1876. You are requested by the club to publish their names in the Messenger.

Respectfully, yours,

C. A. M. PULLIAM,
Secretary B. D. C. C.

Fred. Crow, Frank Williams, Davy Holliman, John Doss, Wade Pulliam, Calvin Gladney, Joe Moore, Henry Johnson, Anderson Williams, Ed. Bramlett, John Pulliam, Ben. Valliant, Gay Brand, Wash. Chandler, Jake Walker, Henry Woodard, Lawson Pulliam, W. Huddlestone, Martin Pulliam, Ed. Kyle, Calvin Gray, John Buchanan, Dan. Punds, Albert Conor, Ed. Nathan, Jim Pulliam, Simon Baskin, Bill Pulliam, George Gates, J. Featherston, Shadi Love, Hilliard Fields.

A. I remember seeing that.

Q. You think you have seen that?—A. I know it.

Q. Did you see this:

We are not familiar with the names of all the leading darkies in Buena Vista, but it occurs to us that many of them do not appear upon the list sent us. We may not understand aright the action of the Buena Vista club, but our impression was that one-third of the laborers were to be discharged, and that one-third should include such turbulent, vicious rascals as Fred. McIntosh, Prince Huddlestone, and others who once held high carnival in that section. Let us have no "whipping the devil around the stump," friends, but let us carry out our pledges both in spirit and letter.

A. Yes; Fred. McIntosh there named was president of a republican club.

Q. Did that appear in the paper?—A. I know it. I saw it; I read it.

Q. Do you know a paper published in Monroe County called the Monroe Examiner?—A. I do.

Q. Do you see it and read it?—A. Very seldom. I have read it occasionally.

Q. Has your attention been called to a copy of that paper, of which this is an extract that I show you?—A. No, sir; I do not recollect seeing that paper.

Q. Have you any publication that you want to offer?—A. Yes, sir; here is one thing that is published in a democratic paper that I wish to refer to, in reference to the Artesia affair. This is the Meridian triweekly Mercury of Friday, November 26, headed, "A field-day at Artesia." Here is rather a lengthy report of the Artesia affair, and this is what I specially wish to refer to.

Q. Is that a democratic paper?—A. Yes, sir; this is what I especially refer to:

Frazee and Whitfield, when the battle commenced, took counsel of their guilty fears and locked themselves up in a room in a hotel, and even then came near falling victims to the just indignation of the people. A small body of some eight or ten resolute and discreet men stood guard over the entrance, and with appeals to reason and sober sense, not unmixed with threats, kept back the furious people who would have dragged them forth and shot or hung them on the spot, and saved them.

In connection with that I will state that I was in my room all the time up to some time after the difficulty occurred.

[The entire article from the Meridian Mercury was directed to be inserted in the testimony, and is as follows:

A FIELD-DAY AT ARTESIA.—ANOTHER HELL THAT WASN'T ENTIRELY SMOTHERED.

Wednesday was the appointed day for a radical meeting at Artesia, and Frazee and Whitfield were the orators. Negroes came from everywhere—came with all the pomp and circumstance of glorious war, in cavalcades, mounted on muleback, chiefly; they came thus in different and distinct bands, from different directions. When two or three bands had got upon the ground, a line was formed, a dead-line established, and the announcement made that it was death to cross it until the speaking was over. Officers with drawn swords walked up and down the line, and straightened it and put it in military trim.

The whites of Artesia are few in number, and we will not insult them by insinuating that they were intimidated, but will say they were cautious and prudent, and telegraphed to Columbus the situation, and asked for a company of United States troops stationed there, to come to keep the peace. The people noticed that one of the bands of negroes was followed by a wagon, that might carry baggage, or rations, or something. The wagon seemed to have fallen under suspicion, and was probably watched with a cautious and careful eye. Our information is to the effect that a white man approached the wagon and inquired of the driver or guard what was in it, at the time peering into it to discover that it was filled with arms. The negro guard or driver raised and pointed a gun to shoot him, which he knocked up and instantly fired with a pistol, shooting his antagonist through the mouth. Then commenced a right lively clatter of fire-arms, which lasted but for a brief time. That beautiful line broke into about five hundred pieces in less time than it takes to tell it, and frightened—not intimidated—negroes were scattered in flight far over the open fields in many directions. One large body ran for a woods, where it was ascertained they had stacked their arms before coming to the town. Frightened and riderless mules, with saddles, ran wild through the fields, and altogether there was a scene of wild confusion. Five negroes were wounded by the fusilade, two of them believed to be certainly mortally wounded. The body of negroes who had stacked their arms in the woods rallied upon recovering them, reformed, and threatened to charge the town. The whites were so few, and there being a scarcity of arms besides, there was some nervousness at the situation for a time. About this time a special train arrived, in answer to the request for aid, with some United States troops and citizens, and ended all danger of the threatened attack from the body of negroes in the woods.

It was after the troops had arrived, a squad of about forty negroes, ignorant of what had happened, or of any order to secrete arms in the woods, rode as large as life right up into the village fully armed and equipped. The soldiers made them sensible of the situation, which was doubtless a surprise to them, by disarming them.

Something more than a hundred stand of arms were captured.

Frazee and Whitfield, when the battle commenced, took counsel of their guilty fears and locked themselves up in a room in the hotel, and even then came near falling victims to the just indignation of the people. A small body of some eight or ten resolute and discreet men stood guard over the entrance, and with appeals to reason and sober sense, not unmixed with threats, kept back the furious people who would have dragged them forth and shot or hung them on the spot, and saved them.

It will be noticed that the Starkville correspondent of the Jackson Times, who described the "smothered hell" at that place, (his letter is reproduced in this paper,) said that the republicans were going to *try* to have a meeting at Artesia on Wednesday. Will the Times or its correspondent advise them to "try, try again?"]

Q. You have read the article from the Tri-Weekly Mercury about the affair at Artesia?—A. Yes, sir.

Q. One part of it says:

A line was formed, a dead-line established, and the announcement made that it was death to cross it until the speaking was over. Officers with drawn swords walked up and down the line, and straightened it and put it in military trim.

Did you ever hear of that?

A. Nothing of that sort. The only thing that I heard in connection with that was this: When the colored men were marching through town and returning, just before the firing commenced, I saw a colored man with a drawn sword marching down the line, and I heard him say this, "Do not let any man," or "any damned man pass through these lines." That was the only thing I heard in reference to this matter.

Q. This was before the speaking?—A. There was no speaking at all.

Q. Before the time for speaking?—A. Yes, sir.

Q. Did the colored men in these lines go to where the speaking was to be?—A. No, sir.

Q. Then that part of the statement is not true?—A. No, sir. We had not even agreed on the place for speaking then.

Q. Do you know anything about the whites having telegraphed to Columbus to ask for United States troops?—A. I do not know anything about that except from what I heard some of them say; that is, I think I heard some of them say that they sent a dispatch.

Q. If they did it was after the negroes had left?

Mr. KERNAN. Let him tell the time it was when he heard it.

The WITNESS. I do not remember the time they sent that dispatch. I do not know anything of my own knowledge in reference to the matter.

Q. How long was it after the firing commenced before the negroes had all abandoned the town?—A. About two minutes and a half, I reckon.

Q. Did you hear of any of them returning with arms?—A. The only thing I ever heard was that Captain Lee told you that he went out and met one or two clubs coming in and sent them back. I heard that from him. I think he stated that one or two of them had guns. All the information I have on the subject is derived from him. I did not go out of the hotel at all.

Q. You did not go out during the afternoon, I suppose?—A. No, sir; I remained in my room nearly all the evening. I was about the hotel a little, but I did not feel very comfortable. I thought the most pleasant place I could find was in my room.

Q. Have you any other extracts that you desire to offer?—A. I have one here published in the Southern States of Okolona. It is in reference to the election of 1875. It is in the paper of November 10, 1875. This is republished in the Prairie News, a republican paper, on Friday, July 28, 1876, verbatim. I have not the original Southern States at this time, but this is a copy. I furnished the editor of the Prairie News with the paper in order to get this extract. This entire article as it appeared in the Southern States.

Q. That is a democratic paper?—A. The Southern States is a democratic paper. This is the article:

> The radical party of this State contend that intimidation won the white-line victory. It is not the first time, neither will it be the last in which intimidation has been successfully used. The white men have been intimidated in times past, and wonder which has the most of the bargain. We are so situated that we are obliged to fight the devil with fire. Let the white men not be afraid to intimidate evil-doers. Intimidation is legitimate, perfectly legitimate.

That was published in the Southern States of November 10, 1875, a democratic paper published in the town of Okolona.

Q. After the election of 1875?—A. Yes; after the election of 1875.

Q. I want to ask you about what occurred on Chapel Hill; what county is it in?—A. Chapel Hill is in Oktibbeha County. I know nothing about the matter.

Q. From report do you know of any disturbances?

Mr. KERNAN objected.

(Objection overruled.)

Mr. TELLER. I want to put in a newspaper article that has been published. We shall have a witness from there; but I wish to show the general character of the affair. [To the witness.] You say that is in Oktibbeha County?

A. Yes, sir.

Q. (By Mr. TELLER.) State what you know about it. What is the general report? If you have seen any newspaper articles, produce them.—A. I know nothing about it except mere newspaper articles. I have an article here published in a republican newspaper, the Prairie News. That is the generally received version of the affair by republicans.

Q. Is it contradicted?—A. I think it is generally understood that there were about thirty-six colored men shot. I do not pretend to know anything about it, of my own knowledge, only the generally received version of it.

Mr. KERNAN. I object to that.

Q. (By Mr. TELLER.) Is this the article, headed "The night of horrors?"—A. Yes, sir.

Q. That is the generally accepted version of the affair, is it?—A. That is the generally accepted version of the affair by republicans, their understanding of it.

Mr. TELLER. I will not read the article. I offer it in evidence.

The following is a copy:

A NIGHT OF HORRORS.

Terrible outrage at Chapel Hill, Oktibbeha County, Miss.—A republican meeting dispersed by armed White-Liners.—One colored man killed and thirty-six wounded.—Not a single White-Liner hurt.

On last Sunday morning the news reached us that a riot had occurred near Choctaw agency in Oktibbeha County, and that several persons had been killed and wounded. On Monday evening following, a dispatch was received at this point asking for help; that negroes in large bodies were marching on Starkville to attack it. In the course of half an hour another dispatch was received, stating that the negroes were leaving for their homes, and that assistance was not needed. From a gentleman living at Starkville, we have the most positive assurance that the negroes had not assembled anywhere in the county on that day, and that these dispatches were sent out to create an erroneous impression, and to cover up, as far as possible, the dark and bloody deeds committed on a republican club on last Saturday night.

As to the particulars of the horrible scene that occurred at Chapel Hill, we were guided with the sole desire to ascertain the absolute facts in the case, and we now propose to give it to the public as related by eye-witnesses:

On Saturday, the 23d instant, the colored people of the Chapel Hill club met at their usual place of meeting, to appoint delegates to the congressional convention which had been called to meet in Okolona on the 27th, to nominate a candidate for Congress. The club had been in session but a very short time when a body of armed white men entered the building and commenced cursing and violently denouncing the chairman and other leading members, and told them that the beating of drums had to cease; that they had been riding for hours to catch up with the drum, that it looked too much like war times, and that they were tired of drum-beating. The chairman of the club, seeing that no business could be transacted while these hostile demonstrations were going on, adjourned the meeting, with the understanding among the colored people that they would re-assemble again after dark, to complete the business left unfinished. The crowd then dispersed, and so ended the first act of the drama.

According to the agreement, the republican club re-assembled at their club-room after dark, and organized their meeting on the outside of the church, for fear that those white men might return, slip up on and shoot them through windows and door. A small fire had been kindled between the church and the road, and while one of the members was addressing the club from the steps of the church, the White-Liners slipped quietly up the road, having left their horses down in a swamp some little distance off, and fired into the crowd, killing one dead on the spot and wounding thirty-six more, four of whom are thought to be mortally wounded. At the first fire the colored people scattered in every direction, completely panic-stricken. All the killed and wounded were shot in the back, for the crowd, when the firing commenced, were facing the speaker on the church-steps, and with their backs to the road, where laid the assassins concealed by an embankment. An evidence that the colored people were taken unawares, and had not fired a single shot, is that they had carried some eight or ten guns with them to the church, to protect themselves in case they were attacked, and had set their guns against the church, but on running away under a terrific fire they left their guns standing by the church, and on examination it was discovered that they had not been fired, and that they were all loaded, with three exceptions.

And as another evident fact, on the opposite side of the road, where these white men lay concealed, and immediately in their rear, stood a fence and frame building, and had the negroes fired a single shot it would have left its mark. But on a careful inspection by witnesses and the deputy sheriff of the county, not a single bullet-mark could be discovered anywhere in the rear of the assassins lying concealed in the road. The church in front, where the negroes were standing, was literally riddled with bullets, but in the building and fence just in the rear, where the white men stood, not a solitary trace of a bullet could be found. How strange, had the negroes been the aggressors; yet it is true one negro was killed dead on the spot, and thirty-six wounded.

All the evidence that we have been able to gather clearly points to the undeniable fact that those white men went there for the express purpose to murder the members of the republican club, and to destroy the republican organization in the county. The large bulk of the republican voters of Oktibbeha County reside near Chapel Hill, and to make certain of the demoralization among the negroes, it was necessary that the bullet should do the bloody and cowardly work. There can be no excuse or palliation for this wholesale slaughter of innocent people, whose only crime was that they were republicans, and would have voted for Hayes and Wheeler.

The report that these white men were invited to attend the club-meeting, and that the colored people had thrown out pickets with instructions to shoot any white man who may approach, is absolutely false in every respect. When the deputy sheriff and his posse arrived at the scene, they found all the white men gathered around the dead body of the negro, and all of them were drunk and armed. The leader of the gang told the deputy sheriff that there were five hundred negroes near by, and they were expecting an attack every minute. The deputy and his posse started for the visionary blacks, and scoured the whole country, but they could find no one except those shot, who were trying to get home. The names of the assassins have all been taken, and a list will be placed in the hands of the United States marshal. A speedy trial is demanded by all good and law-abiding people, and if found guilty of the charge of murder they should be made to pay the penalty. The lowest, the meanest, the most God-forsaken specimen of humanity is the sneaking, cowardly assassin, be he white or black.

By Mr. KERNAN:

Q. Was this the case where they went to the church?—A. Yes, sir; I suppose so.

Mr. TELLER. It is not the first one about which we had testimony where they were afterward taken out.

The WITNESS. This is the meeting held at Chapel Hill Church in Oktibbeha County, about eight or ten miles from Artesia—this place I am speaking of—and about ten or twelve miles from Starkville. It is a very largely republican precinct or neighborhood.

Mr. KERNAN. I object to that as not proper evidence. [To the witness.] Have you stated all you know about Chapel Hill?—A. Yes, sir; I know nothing of my own knowledge.

Q. (By Mr. TELLER.) Did you include all the appointments that you had made?—A. No, sir, I did not.

Q. Go on and state where you did not speak, and why you did not fulfill your engagements.—A. The further south we went during the canvass the more intensely bitter became the canvass; the tone of the people seemed to materially change as we progressed south into the largely republican districts. The first demonstration, as I said before, was that the rifle-clubs——

Mr. TELLER. You need not go over that again.

The WITNESS. I am not going to, but I want to give my reasons why we did not speak. It was that the rifle-clubs turned out at Palo Alto. Then I was to speak at West Point the next day, and at Starkville the next day; a riot occurred at Artesia, and our next appointment was at Crawford, about eight miles below.

Q. At what county?—A. That is in Lowndes County; very largely colored. I was informed by a prominent man in the democratic party, and I will state here that, of course, I could give the name, but I prefer not to do it for several reasons.

Mr. KERNAN. I do not believe he would object.

The WITNESS. I will state, then. It was Capt. W. W. Humphreys, the chairman of the democratic county committee of Lowndes County. He told me he did not think it was prudent for Captain Lee and myself to go to Crawford; for "the excitement is, if anything, much greater there than at Artesia." I will state this in reference to Captain Humphreys, that I consider him a very high-toned gentleman, and he treated myself and Captain Lee with all the courtesy and chivalry that a man possibly could another, and he did everything to see that we were protected and not insulted. The excitement was higher there than at Artesia, and he did not think it was advisable or prudent for us to go there and attempt to speak.

Q. (By Mr. TELLER.) You did not try?—A. No, sir; we did not try.

Q. Why did you not go to Columbus?—A. I went to Columbus myself. I went over and became the guest of Captain Humphreys while in Columbus. He treated me very kindly, and told me that if I wanted to speak he would do all in his power to preserve the peace, and all that; but he did not tell me whether he could preserve it or not. He said this: he was satisfied that I would not be molested if I attempted to speak.

By Mr. KERNAN:

Q. Where?—A. At Columbus; but upon information derived from republicans and from some democrats, I did not think it was prudent for me. I felt this way about it: that if I attempted to speak at Columbus the result would be a row or a riot. I did not really apprehend any danger to myself at that place, because of the assurances I had received from Captain Humphreys and others; but I felt that we would have a row, and from what I had seen three or four times previous, I did not think it would be proper for me to get the colored people to come in there, as some would probably have been shot.

By Mr. TELLER:

Q. That was the reason you did not speak there.—A. That was the reason.

Q. What county is that in?—A. That is in Lowndes County. I was treated myself with a great deal of courtesy by every party.

Mr. TELLER. I would like to have the record show that this gentleman is a white man.

The WITNESS. I am. General Sharpe, I will state, treated me very courteously, too. I wish that to go down. There is one little matter I desire to state myself, in reference to what occurred at Okolona the night previous to the election. I state this upon information derived from colored men, who came to my house early on the morning of the election, and stated to me this, in substance: that the night previous the plantation of Mr. Kenneth Clark, which was about three miles south of Okolona, had been visited by a body of armed mounted men, and the doors of some of the cabins had been broken in, and several of the men, women, and children had been forced to leave their cabins and go to the woods. At that time a skirmish-line of mounted men was formed across the road and through the woods, about two miles and a half south of Okolona; and they wanted me to go to the military commander at Okolona and get him to send a posse down there in order that they might come to Okolona and vote at the election.

Q. What county is Okolona in?—A. In Chickasaw County. I heard of it from several colored men. I have never heard it disputed yet. I know from information derived from parties that all the horses at the

livery-stables in Okolona were in use the night previous to the election, and the young men were riding over the country. Another instance that was reported to me—I know very little of my own personal knowledge—was where one of these bands went to a colored preacher there and made him go down on his knees and swear that he would vote for Tilden on election-day.

Q. Do you know whether or not it was true?—A. O, no, sir. I do not know that. I stated at the outset that it was information.

By Mr. KERNAN:

Q. You are a lawyer; why did you volunteer to state these two rumors without personal information?—A. I simply stated that for this reason: the question had been asked me at one time, I believe, why I felt intimidated, or something of that sort, and I wanted to show what the general feeling was in the country. That was the only thing.

Q. Is it not also true that you heard frequent rumors and saw statements in the papers that the colored men were going to rise and do certain things?—A. O, yes, sir; I have seen rumors of that sort frequently; such rumors as that have been occurring over and over.

Q. What do you know, if anything, in reference to colored men intimidating or mistreating in any way black men who voted the democratic ticket or joined the clubs?—A. I will state in reference to that, I know of one instance that occurred in my town; that is, on information. A colored man voted the democratic ticket upon election-day, and his wife refused to sleep with him for three or four days afterward, and would not let him go to bed with her.

Q. How did his colored brethren treat him?—A. I never heard anything else in connection with that matter. That, I suppose, is true.

Q. Do you know of the fact that very many of the colored people felt indignant and angry toward other colored men who joined the democratic party and who marched in its processions and voted its ticket?—A. I will state in connection with that, of course there has been some feeling of that sort, but I have never yet known of a colored man offering another colored man violence because he voted the democratic ticket.

Q. Have you never heard of it as occurring in Mississippi?—A. I have seen it published in democratic papers. I have seen statements of that character published in democratic papers.

Q. So that there were rumors of that kind in the press to a greater or less extent?—A. O yes, sir; I have seen statements of that character.

Q. Let me ask you a few general questions. About how many counties in all did you visit?—A. I visited the county of Lee, the county of Itawamba, the county of Pontotoc, and the counties of Chickasaw, Okitibbeha, Clay, and Lowndes.

Q. You spoke in how many of those counties?—A. I spoke at Pontotoc, the county-seat; I spoke at Shannon; I spoke at Fulton; I spoke at Bolton's Store. Shannon is in Lee County, and Bolton's Store and Fulton in Itawamba County. The next place we spoke at was at Okolona, Chickasaw County.

Q. Did you speak anywhere else?—A. I spoke in Chickasaw County, and at Palo Alto, Clay County.

Q. These are the places where you actually did speak?—A. Those are places where I actually spoke.

Q. I understood you that in the northern counties, or, as you expressed it, in the counties that were democratic, there was no serious difficulty in regard to your speaking?—A. No, sir. I was treated in

most of those places, in those northern counties, with the greatest consideration.

Q. You held separate meetings and joint meetings, did you?—A. Yes, sir.

Q. And there was no violence, or collision, or anything of that kind?—A. No violence. At Shannon and Pontotoc the crowd was a little excited and they seemed to be very much irritated because we would not divide the time.

Q. But there was no violence?—A. No, sir.

Q. These counties where there was this violence were what you call strongly-republican counties?—A. Yes, sir.

Q. The colored people predominated there largely?—A. Yes, sir.

Q. Did you yourself at either of those meetings, except that you have spoken of where this firing took place, see any violence exercised toward any one?—A. I did not.

Q. In all your tour through the country?—A. Yes, sir.

Q. Did you see any actual or threatened violence to any one except on the occasions that you have mentioned?—A. I do not think I did. I don't recollect any.

Q. So that the actual violences that you saw, either exercised or threatened, were at how many places?—A. I said at Palo Alto; when the speaking was going on there was a crowd of men, who came from West Point with a piece of artillery, armed with those large pistols, and with their red shirts on, and pistols buckled on the outside. The colored people were gathered around the place of public speaking. When they came up, they came up in a perfect rush, whooping and yelling, stopped their cannon and fired it off, and rushed up among the colored people and pressed them one side and came right up in front of the polls. It was done in rather a threatening way.

Q. In front of the stand, you mean?—A. The place where we were speaking, I mean.

Q. About how many were there that came up in that company and that made a disturbance and fired off this gun and pressed to the front?—A. There must have been fifty men in that crowd, I suppose. Well, I don't know as there was even that many; quite a good crowd.

Q. There was no actual injury done to anybody?—A. No, sir.

Q. No actual attempt, that you saw?—A. None at all, that I saw.

Q. And in firing off the gun they fired a blank cartridge, I suppose?—A. I suppose so.

Q. The other difficulty was at Artesia?—A. Yes, sir; and the next place was at West Point.

Q. What took place there?—A. There was no violence at all. They simply did not speak.

Q. You did not hold that meeting there?—A. No, sir.

Q. But at the other places where you held meetings you saw no violence yourself?—A. No place, with the exception of Artesia. If I am allowed to, I will make one statement in connection with that matter.

By Mr. TELLER:

Q. Where? At what place?—A. About the violences.

By Mr. KERNAN:

Q. If there was any occasion where you saw it yourself, state it.—A. Of course, I am simply answering the question propounded to me. It it simply this: from the general tone of the canvass of course all the republican speakers apprehended violence.

Q. I will not pursue that subject. I want to get at what you actually saw yourself. You have stated all that you saw yourself?—A. Yes, sir; I have stated them.

Q. This grand jury of June, 1876, I want to inquire about. You know the law there. How are the United States grand juries obtained?—A. Well, sir, in our section they are obtained in this way: we have United States commissioners appointed by the Federal judge; at least that has been the law, I believe. Those commissioners, I think, select so many names and send them up to the judge—each commissioner, I think, sent ten names to the judge, and those names were put in the box, and the panel drawn.

Q. How many commissioners select a jury?—A. I think we have about two United States commissioners to each county.

Q. They select so many names?—A. Yes, sir.

Q. And send them to the court?—A. That is my understanding.

Q. So far as you know, are these commissioners republicans?—A. In my county one of them is a republican and the other is a democrat. Mr. Murdock, in my town, is one.

Q. Generally, what are they?—A. I do not know what they are in other counties.

Q. On this grand jury on which you sat there were how many republicans?—A. I think about two democrats, and three or four independents, and the balance were republicans, in my classification of the jury.

Q. Did you find indictments?—A. No, sir; we did not find any indictments for violation of the election law.

Q. You found some indictments, did you not?—A. O, yes, sir; we found quite a number for violation of the revenue laws.

Q. Who drew the report that you made to the court?—A. Mr. Cavett is the gentlemen who wrote the report.

Q. What was his position? Was he a grand juror?—A. Yes, sir.

Q. Do you know whether he composed it himself or whether some one else aided him?—A. I do not know who composed it. I will state this in connection with that, that I indorsed the report.

Q. You were the foreman, and you signed it?—A. Yes, sir.

Q. But you did not draw it?—A. No, sir; I did not see it until after it was written and presented to the grand jury.

Q. Did you know in whose handwriting it was then?—A. I think it was in his handwriting.

Q. He presented it there?—A. Yes, sir.

Q. And that is all you know about it?—A. Yes, sir; that is all I know about it.

Q. And who composed it you do not know?—A. No, sir.

Q. Who was the district attorney?—A. Thomas Walton.

Q. What do you know of his advising that men be indicted and the indictments held over until after election, if anything?—A. I do not know anything of that myself.

Q. Did you not learn something about it?—A. I never heard anything about that. I think Cavett said something to me about that once.

Q. Was there not published a letter on the subject in the newspapers?—A. O, yes, sir; I saw a letter published.

Q. Who was that from?—A. I do not remember just about the letter. I believe there were two letters published in reference to that matter; one by a man by the name of Myers, who lived in Holly Springs, and Mr. Cavett also.

Q. They both published letters?—A. They both published letters, or

letters that they had written, or that were signed by them. I read them both.

Q. What was the substance of those letters?—A. I could not tell; something about what Judge Walton had told Mr. Cavett, and he had told Mr. Myers, I believe, that all he cared about indictments was that they might be held over them.

Q. Was that what the letter stated?—A. That is what the letter stated. I never knew anything about it at all.

Q. These letters were published by these men, and it was stated in these letters that Walton said all he wanted was to have the indictments found and held over them until after election?—A. Yes, sir.

Q. And those were published in the papers?—A. Those letters were published in the papers. I think Cavett's letter made that statement, or that statement was contained in Cavett's letter.

Q. Are they democrats?—A. Myers is a democrat.

Q. How as to Cavett?—A. Cavett is a republican. Myers is classed as a democrat, and Cavett as a republican.

Q. When was that letter dated which charged the district attorney with that?—A. That was some time during the canvass, after the grand jury adjourned, and prior to the election. I don't remember the date.

Q. Published in what papers?—A. I do not know. I think it was published in most of the democratic papers in the State.

Q. Was there any denial, that you know of, published by Walton?—A. No, sir; Judge Walton never published any denial.

Q. There was no published denial of it in the papers that you ever saw?—A. I never saw any—no, sir.

Q. Neither in the republican nor the democratic papers?—A. I never saw any.

Q. In all your traveling there was no actual violence perpetrated on you yourself?—A. No, sir; I was not injured in any way during the campaign, in my person.

Q. You spoke of democrats making certain statements in their speeches. Did you refer to democrats in 1876 threatening colored men?—A. I will state in reference to that, during 1876 I did not hear so much of it as I did in 1875.

Q. Did you hear any of it in 1876?—A. Yes, sir.

Q. Who was the man?—A. I heard Colonel Muldrow, in a speech that he made at Palo Alto, say that "we must carry the election;" that "the white men intend to rule this country, and if it is necessary to wade through blood, we are going to do it." That is about the substance of it.

Q. I understand you to say that you heard democratic speakers speak of discharging men, and not employing colored men if they voted the republican ticket.—A. I did not hear that during the campaign of 1876. I think.

By Mr. TELLER:

Q. You alluded to 1875?—A. 1875.

By Mr. KERNAN:

Q. You heard no speakers make those threats during 1876?—A. I do not remember anything of that sort in so many words. They would say this——

Q. Wait a moment. I want to get this fact. Did they say in addressing these men, in substance, or in exact language, "If you vote the republican ticket we will not employ you or hire land to you," in 1876?—A. I will tell you what they said.

Q. Did they say that?—A. No, sir.

Q. Did you, yourself ever hear any democrat threaten a colored man with discharge or refuse to hire or rent him a place if he voted the republican ticket?

The WITNESS. In that language?

Mr. KERNAN. In substance.

A. Well, I do not know what you mean by "in substance." I can tell you what I did hear.

Q. I want your judgment as to whether you heard that in substance. Give the language if you can. If not, give the substance.—A. I suppose they did. I can give the language. It was simply this, that if they voted the republican ticket they could not eat their meat and bread any longer. That is the substance of it. That was their common language.

Q. Who did you hear say that?—A. I do not know that I could specially designate any particular person; it was a very common remark.

Q. You cannot name any one from memory?—A. No, sir; I do not think I can name any particular person who used that language; but there it was commonly used. I think I heard Judge Acker use that language; I am satisfied that I did.

Q. Where was that?—A. I do not remember what place. We were canvassing together. I am pretty certain he used that language during the canvass.

Q. As I understand you, that is one of the things complained of as intimidation, the statement that they would not hire men, &c.—A. Yes, sir.

Q. By the law down there, is that held to be an indictable offense?—A. I will give you my views of that. I think, of course, any man has the right to hire whom he pleases.

Q. I want to know whether it is understood to be indictable under the law?—A. O, no, sir; that is not my understanding.

By Mr. TELLER:

Q. You did not indict them for that, at any rate? You know nothing of it?—A. No, sir.

By Mr. KERNAN:

Q. Do you, of your own knowledge, know of any man, or of any men, who were turned away from employment, or who were refused employment, on that ground?—A. I don't know anything, except what I saw in the democratic papers—that certain men had been turned off.

Q. You know nothing of your own knowledge?—A. No, sir.

Q. You did act as a judge of election at Buena Vista, I believe you told me?—A. Yes, sir.

Q. That was in 1875?—A. Yes, sir.

Q. There was no violence exercised upon you?—A. None at all.

Q. You got along pleasantly enough?—A. Yes, sir; everything passed along pleasantly, as far as I was concerned. I can state what took place at the polls, if you want to know about that.

Q. No; that is sufficient. Were there any witnesses brought before the grand jury on the subject of indicting these men who were alleged to have been gathered around the church?—A. I think that is the occasion to which that letter refers at Chapel Hill. That was after the grand jury had dispersed.

By Mr. TELLER:

Q. Do you mean the grand jury which you were on?—A. Yes, sir; that was after the grand jury had dispersed.

By Mr. KERNAN:

Q. You received a letter dated June 12, 1876?—A. That was before the Chapel Hill matter.

Q. What was referred to in that letter?—A. It was this: a report was circulated by some democrat who came down among the crowd and said that some negroes had formed in the town and were coming down to take possession of the polls.

Q. At what place was that?—A. That was at Okolona. Mr. McIntosh, who, by the way, is my wife's uncle, jumped out in the street and he says, "Fall in, boys; God damn them, fall in." I did not see this; I was at Buena Vista.

Q. Was that the thing referred to?—A. Yes, sir.

Q. Was there any testimony given before the grand jury with a view to finding the facts in regard to the matter?—A. Yes, sir; we examined, I suppose, twenty or thirty witnesses in reference to that matter.

Q. And there were no indictments found?—A. No indictments found.

Q. It was at West Point where they came up and yelled so that you could not be heard?—A. Yes, sir.

Q. I believe you said that they offered no violence beyond the disturbance of their noise and their crowding in?—A. And following me.

Q. How many colored persons were there at the meeting when these men came up at West Point?—A. The crowd seemed to me to be equally divided—whites and blacks.

Q. Some four or five hundred in the crowd, you said?—A. I suppose there were about four or five hundred; I don't know how many. It is a very difficult matter to tell; some where about four or five hundred, I should say.

Q. You walked alone down to your friend's house, some half a mile off, after the meeting was over?—A. Yes, sir.

Q. And they came after you making these cries to stop you and "head him off?"—A. Yes, sir.

Q. About how many followed you?—A. I suppose twenty-five or forty. I will make that statement.

Q. They did not do any violence to you?—A. No, sir.

Q. They came within fifty or sixty or seventy yards of you?—A. They followed about fifty or a hundred yards in my rear.

Q. Is it not true that this grand jury on which you sat was one selected by the marshal?—A. Yes, sir; that is my understanding. I do not know how the grand jury was selected. It is my understanding.

Q. They were not drawn out of any box, as you understand it?—A. I don't know that I have any information upon that subject that is reliable. I can tell how I happened to be on the grand jury.

Q. Was your name ever put in the box?—A. No, sir.

Q. How did you happen to be summoned?—A. A republican in my section of the country had been drawn and he had died—Major Hamilton—and Colonel Pierce met me in Okolona and told me, "I want to get somebody to serve on the grand jury," and he asked me if I had any objections to serving. I told him no, I had a little business up there any way and I was going.

Q. Who was Colonel Pierce?—A. He was United States commissioner. I was not practicing law at the time, I want to state.

Q. You lawyers do not sit on the grand jury?—A. No, sir.

Q. You have a statute excusing you?—A. No, sir; it was this way——

Mr. KERNAN. It is not important.

The WITNESS. I want to explain; I was not practicing law at that time.

Q. You said that before and that is down. Are you now practicing?—A. Yes, sir; I am.

Q. When did you begin practicing again?—A. I began a short time after that.

Q. How long before that had you stopped?—A. I had been chancellor of that district up to a short time previous to that. I was appointed for four years.

Q. That is sufficient. Do you know that any one of those grand jurors have ever been returned by the commissioners?—A. I don't know.

Q. Do you know whether they were selected by the marshal?—A. I do not.

Q, Neither one way nor the other?—A. No, sir; only in reference to myself. I know how I was selected.

Q. In point of fact you learned at the time, or you heard at the time, that some of the democrats there had telegraphed for United States troops?—A. That was talked about; I do not know.

Q. The troops came?—A. They came; yes, sir.

Q. You know of no republican sending for them?—A. I do not; I don't know whether any republican did or not.

Q. You heard at the time that the democrats did?—A. Yes, sir.

Q. Was there some investigation there as to how this occurred?—A. Judge Acker, Captain Lee, Captain Humphreys, and myself talked the matter over, and we made a report to the officer; I suppose it was the officer, at least; the report was referred to him.

Q. It was referred to the lieutenant or captain?—A. We made a report of the matter.

By Mr. TELLER:

Q. Was that a written or a verbal report?—A. A written report.

By Mr. KERNAN:

Q. Have you a copy of it?—A. No, sir; I have not. It was published in a good many of the papers.

Q. Who, if any one, was censured in that report?—A. I do not know that any person was censured. We stated this, I think: that the colored people, we thought, had acted very imprudently in coming to town with their arms. Of course that is what we were contending against—armed men attending public speaking.

Q. Was it then stated that the difficulty arose out of the suspicions, justly or unjustly, of each party having arms; was that the idea?—A. Well, I do not know.

Q. Did not that report exculpate the whites?—A. No, sir; I do not think that it did that.

Q. Did it censure them?—A. No, sir; I don't think it censured them.

Q. Did it say, in substance, that the difficulty arose out of the fact that the colored people had come there armed?—A. Yes, sir; that was our idea.

Q. And you have no copy of that report?—A. No, sir.

Q. You all signed it there?—A. Yes, sir, that was our idea; that the colored people coming there armed made the difficulty.

Q. How far did this Lieutenant Bishop come from? Where was he stationed?—A. At Columbus.

Q. How far off is that?—A. About ten or twelve miles distant from Artesia.

Q. He arrived there how soon after the affray?—A. I suppose a couple of hours; two or three hours, or an hour or two; I don't know exactly how long.

Q. Do you remember who it was you heard say that the democrats had telegraphed for them to come?—A. I do not; no, sir; I say I do not. It seems to me that Cap'ain Humphreys told me that he telegraphed for them. I am not positive.

Q. Captain Humphreys was a democrat?—A. Yes, sir; Captain Humphreys was a democrat.

Q. And he was chairman of the executive committee?—A. Yes, sir; I think he told me that he telegraphed for them; I am not positive, though.

Q. You say that you understood at the time that some of the democrats there, the substantial men among them, resisted all attempts at violence, as far as they could, by dissuasion?—A. I don't know what they did, except in reference to myself individually. They told me, and I am satisfied that Captain Humphreys, General Sharpe, and James T. Harrison, jr., did all they could to protect myself and Captain Lee.

Q. They were the leading democrats there?—A. Yes, sir.

Q. And they were influential men?—A. Yes, sir.

Q. What was it you said about some resolute men preventing the roughs from coming there?—A. That was in the Meridian paper.

Q. Do you believe that to be true?—A. I do; yes, sir; because General Sharpe told me the same thing, and Captain Humphreys told me the same thing, in substance. He came to my room as soon as he found out where I was, and told me he would have come up there sooner if he had known where I was.

Q. Have you got the number of colored and white men who registered in your county in 1876?—A. No, sir.

Q. Have you got it so that you could get it?—A. No, sir; I can approximate it very closely, I think.

Q. If you can give it with any accuracy, please state it.—A. I can state, I suppose, within one hundred of the vote of our county.

Q. What was the colored registration?—A. The colored registration was about fifteen hundred, I think, or somewhere near that, and I think the white registration is about the same. I think the colored people have about sixty registered majority in the county.

By Mr. TELLER:

Q. You are speaking now of 1876?—A. Yes, sir; about sixty majority.

By Mr. KERNAN:

Q. And you think the colored people have how many majority in the county?—A. About sixty, I suppose. That is, according to registration; I don't know how many majority they have.

Q. There would seem to be a pretty full registration in your county?—A. Yes, sir; I think the registration was tolerably full.

Q. Was not the aggregate vote as much as any vote ever polled in your county?—A. No, sir; I don't think it was; I would have to refresh my memory a little about that—yes, it was just about the usual vote of the county. We polled about twenty-six hundred votes, I think—twenty-six or seven or eight; somewhere along there.

Q. It is stated here that Tilden had 1,892 and Hayes 1,005.—A. Yes, sir.

Q. Did you ever give a larger vote than that? I see it is larger than 1875, as this table gives it.—A. I think that is about our usual vote.

Q. Then you had about the usual vote that year?—A. Yes, sir, pretty nearly; I don't remember. The vote usually goes about twenty six or twenty-seven hundred.

Q. Have you any knowledge as to how many were stricken off at the time of revision?—A. No, sir; I never examined the books. I know that several came to vote whose names were not found on the books—quite a number.

Q. Your law requires them, I suppose, with a view to identifying them, to give the section and the range?—A. The law does not, but that is the construction placed upon the law by the democrats.

Q. They are to give the portion of the district, or something like that?—A. Yes, sir, something to that effect; but the construction placed upon it by our board of registration was that they were to give the township, range, and section.

Q. You have no personal knowledge of the Chapel Hill matter?—A. None in the world—no, sir.

Q. It is a pretty universal custom in your county to carry pistols, I infer?—A. Yes, sir; I always carry from one to two when I am out in the canvass.

Q. You generally carry pistols?—A. All of us. I do not suppose there is a boy fourteen years old in our town who does not carry a six-shooter.

Q. And the colored men carry pistols too?—A. No, sir; I think very few colored men carry pistols. That is, it is not so common among the colored people as among the whites.

Q. Have they a desire to get them if they can?—A. I think so, myself. I think they have a necessity for them and they are fools if they do not.

Q. Have not you republicans drawn pistols in your conventions?—A. I have never known of their being drawn on any person.

Q. Did not the newspapers say that you drew a pistol?—A. But I never drew one.

Q. That is the universal talk, however; when was that?—A. That was at Stockton, a year or two ago.

Q. There was some difficulty growing up among you, and some excitement, and they charged that you drew a pistol and cleared the stage?—A. Yes, sir. I did not draw the pistol; I cleared the stage without a pistol.

Q. Was that stated in republican papers?—A. I believe some of them were independent.

Q. Part of them were republicans?—A. Yes, sir.

Q. You say that is not true?—A. Yes, sir.

Q. What did you say—you were the chairman—about clearing the stage?—A. I said that I was chairman of the convention there, and I proposed to act as chairman, and that was all.

Q. And out of that your opponents in the republican party made a story that you drew a pistol and drove them off?—A. Yes; they charged me with drawing a pistol.

Mr. KERNAN. I did not believe it myself, but I thought I would illustrate by you how such stories go.

The WITNESS. Yes, sir; they charged it upon me.

By Mr. TELLER:

Q. Do you know how Mr. Covett voted on this grand jury in reference to finding indictments on this political question—as to the infringement of the election laws?

The WITNESS. I suppose I am allowed to answer the question?

Mr. KERNAN. I do not care about it.

Mr. TELLER. Mr. Covett has published a statement that he did vote against it.

Mr. KERNAN. Every man takes an oath that he will not disclose the transactions of the jury. I have never known them to allow the members to tell how they have voted.

Mr. TELLER. I would not ask it, but that a gentleman tells me here that Mr. Covett published a letter stating he voted against it. Go on and state, if you know.

The WITNESS. Well, do you think there is no impropriety in my making that statement?

Mr. TELLER. There cannot be. I think you could do so, at any rate, in any proceeding of this kind; but I understand that Mr. Covett has said so himself.

The WITNESS. I will state this in reference to that: If Mr. Covett says that he did not vote that way, he certainly tells the truth about it. There is no doubt about the matter.

By Mr. TELLER:

Q. You speak of having been in several counties and sections, and of having spoken where there was no disturbance. What was the political character of the counties in which you spoke where disturbances did exist?—A. They are considered republican counties, all of them.

By Mr. KERNAN:

Q. They are where, I understand, there is a predominance of republicans?—A. Colored people, at least.

By Mr. TELLER:

Q. Where there is a predominance of colored people?—A. Largely colored.

Q. You say you were chancellor there for some time?—A. Yes, sir.

Q. Did you serve your time out?—A. No, sir; I did not.

Q. Why not?—A. To use the common term, I was bull-dozed out of my office, I suppose.

Q. They did not scare you out of it?—A. Well, they did not scare me out of it. I simply was reduced to this point, that it would have been impossible for me to have presided as chancellor and enforced the law, or enforced any legal process, and I did not attempt it. I still recognize myself as chancellor, although no one else does.

Q. The legislature legislated you out?—A. Yes, sir; the legislature legislated me out.

Q. They redistricted the State?—A. They redistricted the State, and legislated all the republican chancellors out. All the republican officers were out without legislation.

Q. They changed it from fifteen districts to ten?—A. They changed it from twenty to ten.

Q. And then they put their own folks in?—A. I am one of "their own folks" myself, but they put in democrats.

Q. I mean they legislated all the chancellors out, and put in ten new ones instead of the twenty old ones?—A. Yes, sir.

WASHINGTON, D. C., *January* 26, 1877—7 o'clock p. m.

[Hon. Otho R. Singleton examined the witnesses for Mr. Kernan.]

WILLIAM S. EPPERSON sworn and examined.

By Mr. SINGLETON:

Question. Please state your place of residence, how long have you lived there, and what your profession is.—Answer. I live in Yazoo City, Yazoo County, Mississippi. I have lived there about twenty-six years, and am by profession a lawyer.

Q. Did you take any part in the canvass of 1875, and also 1876, in the State of Mississippi?—A. Yes, sir; I did.

Q. State first as to the year 1875.—A. In Yazoo County only I took part in the canvass. I did not go outside of the county.

Q. That was in 1875?—A. In 1875, also in 1876.

Q. Will you please state as to the election of 1875 in Yazoo County, whether it was quiet and peaceable, and whether there was intimidation or fraud practiced toward the voters of that county? That opens up the question, and you can go on and testify in relation to it. What you state as of your own knowledge you can state directly; if you undertake to state anything that you have heard, please mention it, so that objection can be made to it.—A. Yes, sir; from my own knowledge the election of 1875 at Yazoo City was perfectly quiet and peaceable. From information, the election throughout the county was equally so.

Q. Did you or not know that an effort was made to get up a republican ticket in the county of Yazoo in the fall of 1875, and that the parties who were requested to run or who were nominated declined to accept the nominations?—A. I did not know of my own personal knowledge. I was informed by Captain Bedwell, the postmaster there——

Q. [Interposing.] is he a republican?—A. Yes, sir; he is a republican, and a leading man of that party there. I was informed by Captain Bedwell that they would not nominate a ticket.

By Mr. TELLER:

Q. That the republicans would not, you mean?—A. Yes, sir; the republicans; and they did not nominate a county ticket, or a ticket for county officers.

By Mr. SINGLETON:

Q. That was in 1875?—A. 1875. There were no nominations made. A ticket was published, I believe, at Jackson, as Captain Bedwell informed me; got up at Jackson, as Captain Bedwell told me, by Colonel Morgan, and sent over to Yazoo; but Captain Bedwell told me that it was without authority and that the parties placed in nomination by that ticket refused to run; and they did not run. The republicans had no ticket in the field at that election.

Q. In that county?—A. In that county.

Q. Can you account for the large democratic majority in that county in the year 1875?—A. I think I can. As I before said, the republican party had no ticket in the field. That was one reason. Another reason was that Colonel Morgan, who was the acknowledged leader of the republican party in Yazoo County, on account of some disturbance or affray that occurred at a public meeting in Yazoo City some time in September, 1875, left the county and never returned. He was the leader of the party, acknowledged to be so by the republicans and believed to be so by the democrats. He was the soul of the organiza-

tion; and when he left, the party disbanded. It had no leader. The republicans having no ticket and the party having no leader, is why the democrats had such a large majority, I believe.

Q. Were you present at the barbecue which took place immediately after the election of 1875 at Yazoo City?—A. Yes, sir.

Q. When Colonel Lamar, Major Foote, Colonel Money, and myself made speeches?—A. Yes, sir.

Q. How long was it after the election?—A. I don't remember; it was some week or two.

Q. State, if you please, what you witnessed among the colored people on that occasion.—A. That was a barbecue given by the democratic party of Yazoo County some time in November, 1875, and it was given to the colored people; that was the object of it. A very large number of colored people attended—men, women, and children—at the fair-grounds; I suppose there were twelve or fifteen hundred negroes, at least. Colonel Lamar, Colonel Singleton, and several others addressed the meeting, and everything went off in the most perfect harmony and good-will. All seemed to be satisfied and contented.

Q. Did you notice whether they came in with their badges on and their banners flying, and with bands of music?—A. Yes, sir; previous to the election we had organized colored clubs throughout the county. I organized one myself with nearly three hundred members. The clubs adopted a name and wore a badge that designated the club that they belonged to. The clubs marched in separately from the different approaches to the city, all wearing their badges, carrying their flags—the United States flag—and headed by a drum and fife, or something of that sort. They marched in in that way.

Q. And you estimated there were twelve or fifteen hundred there?—A. Yes, sir.

Q. At what point?—A. At Yazoo City, at the fair-grounds; that is in the corporate limits—the fair-grounds are.

Q. Did they stay and listen to the speeches, and seem to be interested?—A. I think so. I was on the ground all day.

Q. Was there not great enthusiasm?—A. I thought so.

Q. And great rejoicing at the success?—A. I thought so. They applauded the speaking and seemed to be very cheerful and contented. The negro is very demonistrative, any way, when he is pleased, and he was specially so that day.

Q. Will you tell us what course was taken in that canvass to induce colored people to vote the democratic ticket?—A. I heard several speeches made, and made two or three myself. The argument used to induce the negro to vote the democratic ticket—we gave two or three reasons. We pledged the negro that we would reduce taxation, State and county and municipal. We pledged him that we would keep up the system of education that had been instituted in the State, for his benefit chiefly. These were the two chief arguments used to the negro. Another was that he should be protected in all his rights, in all of them, granted to him by the then existing law and the Constitution.

Q. Has the legislature of the State of Mississippi redeemed the pledges which were given on the stump at the time?—A. I think so.

Q. Can you state something about the schools?—A. The school-system has been maintained, and one month has been added to the minimum school-year. The old law provided that schools should be taught at least four months. The law, as it now reads, provides that the public schools shall be maintained for at least five months of each year. The legislature, so far as I know, and I think I am thoroughly ac-

quainted with it, is entirely friendly to the system—entirely so; and I know the people of Yazoo County are.

Q. Have the State taxes of Mississippi been reduced under the management of the last legislature?—A. Yes, sir; they have been reduced. I think the State tax now is six and a half mills, perhaps, or somewhere about that; that reduction was made in 1876, by the democratic legislature.

Q. Will you please explain something in regard to the taxes of 1875, and how it was that the judges of the State were paid, which made an apparent diminution of the State tax?—A. Yes, sir; in the year 1875——

Q. Was that before the democrats came into power?—A. Yes, sir.

Q. State about that?—A. The republicans were in power then. Previous to the year 1875, I will say, the expenses of the judiciary of the State were paid out of the State treasury. In the year 1875 the republican legislature passed an act providing that the expenses of the State judiciary should be levied and collected in the county; that is, they transferred the burden or the expense from the State to the several counties; and there was a diminution of two and three-quarters mills on the State tax. The State tax was diminished that much that year; but it was added on to the counties; that two and three-quarters mills added to the eleven and a quarter mills, which remained as a State tax, brought it up to fourteen mills, which it had been theretofore. There was no diminution really of the State tax.

Q. It was simply a transfer of the burden from the State treasury to the county treasury?—A. Yes, sir; instead of being made a State levy it was made a county levy in 1875.

By Mr. TELLER:

Q. And that is so still?—A. Yes, sir.

By Mr. SINGLETON:

Q. I believe that the report made by the auditor to Mr. Boutwell and his committee shows that the tax was only about nine mills and a fraction. Was that correct, or does it add up to a larger sum?—A. I looked at that the other night, and I found that the secretary of state made a mistake in his addition. He puts four mills State tax, and three and a fraction, more or less, for bond tax, I believe, and four mills for some other purpose.

Q. For schools?—A. For schools, four State three and a quarter bonds, and four mills for schools; that makes eleven and a quarter. He carries it out nine and a quarter, I believe. Obviously it is a mistake in the addition.

Q. So that, in point of fact, it was eleven and a quarter?—A. Yes, sir.

Q. Then, by adding two and three-quarters mills, which you say was a transfer on account of the judiciary from the State treasury to the county treasury, the total amounts to fourteen mills?—A. Yes, sir; I made a little extract from the report of the secretary of state to Mr. Boutwell which I have here.

Q. Do you wish it to go in your statement?—A. I found it to be two and three-quarters mills taken from the State treasury and put upon the counties.

By Mr. TELLER:

Q. For judges?—A. Yes, sir; it is called the judiciary fund.

Q. The bond tax was three and a quarter?—A. Yes, sir; three and a

quarter; that makes eleven and a quarter, and then two and three-quarters of it taken from the State levy, and added to the county levy, make the fourteen mills.

By Mr. SINGLETON:

Q. Can you state what change was made in the rate of taxation by the legislature of January, 1876, which was a democratic legislature?—A. I think the State tax in 1876 was six and a quarter or six and a half mills. That was a State tax.

Q. Was there a limit as to the county levy upon that?—A. Yes, sir; there was a limit, but I do not remember it.

Q. You do not recollect what it was?—A. No, sir.

Q. When you spoke of the fourteen mills a while ago, did you mean to say that that was the State tax?—A. Fourteen mills was the State tax in 1874.

Q. When the county tax was added to that what was the total amount?—A. It varied in various counties. In our county in 1874, I think it was about twenty-two mills, perhaps.

By Mr. TELLER:

Q. About twenty-two mills in the county?—A. State and county altogether. In our county it was twenty-four mills altogether.

By Mr. SINGLETON:

Q. Do you or not know that in 1876 the taxation, both State and county, was limited to sixteen and a half mills or about that?—A. That was certainly the tax we had to pay in Yazoo in 1876, and I think that is the limit.

Q. It couldn't exceed it if that was the limitation?—A. That is what we paid this last year, and I think our board put it up to the maximum.

Q. Did you organize more than one colored club in 1875?—A. No, sir; I made one or two speeches at which clubs were organized; but I took no active part in organizing any but this one club. I was a member of it myself and an officer in it.

Q. Were there any threats, or were there any intimidation or improper conduct, brought to bear upon colored people to induce them to join that club?—A. Not to my own knowledge; certainly none where I was present, nor did I hear of any elsewhere in the county.

Q. Do you know that there were other colored clubs in Yazoo County during the year 1875?—A. O, yes, sir; they were organized all over the county; fifteen or twenty or more—fully fifteen, if not more. There were two or three in each police or civil district.

Q. Can you state what proportion of the colored people belonged to those clubs?—A. I cannot state exactly; but a considerable majority of them are colored voters.

Q. Belonged to the democratic clubs?—A. Yes, sir.

Q. From all that you saw and heard as to the election of 1875, would or would not the republican party have been allowed to nominate and vote for a republican ticket if they had so desired?—A. Yes, sir. You mean a county ticket?

Q. County ticket; yes, sir.—A. That was the only one voted for, except a special election, I believe, of the treasurer, or something of that kind. Yes, sir; I know that fact. General George, chairman of the State executive committee that year, telegraphed to Yazoo County that the governor—Governor Ames—had been informed that the democrats would not permit the republicans of Yazoo County to put in the field a county ticket or a ticket for county officers, and requested us to answer.

The telegram was addressed to myself and several others. He requested us to answer at once. We sent him a dispatch some time in October to the effect that the republicans would be permitted to nominate a ticket and to vote for it unmolested, and that the candidates on their ticket should not be molested. I sent the dispatch. It was signed by some forty or fifty others of the leading citizens of the city and county, and it was sent over to General George, and is published in Mr. Boutwell's report, and will be found there. But no ticket was ever nominated.

Q. Did you take an active part in the election of 1876?—A. In my county, yes, sir.

Q. I mean the past fall?—A. Yes, sir; I took some active part.

Q. Be so good as to state to the committee how that canvass was conducted; whether it was conducted in such a way as to intimidate any one, or to prevent any one from voting who wished to do so?—A. The canvass was a little one-sided in our county. I do not think there was a speech made on the republican side in the county that I heard, or heard of; and the election, as far as I know or have heard, in Yazoo County, was entirely peaceable and quiet. I know of no intimidation myself, nor did I hear of any in the county; no threats or compulsion, or anything of that sort.

Q. Did you hear speeches from others?—A. I heard of any number of democratic speeches—speeches by democrats. I have made a few myself.

Q. Will you please state what was the character of those speeches?—A. So far as I know or heard, they were conciliatory and rather entreating the negro to vote for Tilden and Hendricks; to vote the democratic ticket. That idea was impressed upon them by arguments about such as we used in the canvass of 1875.

Q. Did you hear in speeches any threats or intimidation whatever, during that canvass?—A. I did not; I did not hear any myself; I did not hear of any in the county.

Q. Did you have any disturbance in your county?

The WITNESS. In 1876?

Mr. SINGLETON. In 1876.

The WITNESS. No, sir. You mean political disturbances?

Mr. SINGLETON. I mean political disturbances.

A. None at all. There were some four or five negroes killed during that year, but they were killed by negroes, and in some family broils, entirely.

Q. Was there any political significance attached to those murders?—A. None in the world; none whatever; there was no excitement in our county in 1876—none at all.

Q. Did you attend a meeting at Bee Lake, in Holmes County, a short time before the last election?—A. Yes, sir; I was there, and as a guest of General Myers, and attended a barbecue near his plantation, in Holmes County.

Q. Did you witness a procession that was formed?—A. Yes, sir; I saw various processions coming in, some six or seven, composed of whites and blacks—particularly blacks—to the number of some five or six hundred, I should say, of blacks, grown men. I estimated the crowd at a thousand, counting men, women, and children—colored people. And there were some two or three hundred white persons there. Thirteen or fourteen hundred people I estimated to be upon the ground.

Q. What seemed to be their political affinities on that day?—A. Judging from the attention they paid to the speaking—the congregation was addressed by Colonel Singleton and Dr. Mayben. They paid good

attention to the speaking as far as I observed. I was around the stand pretty much all the time. Everything was quiet and peaceable. Everybody seemed to be in a jolly good humor. Everything passed off to the satisfaction of everybody.

Q. How many, if any, were there on that day in the democratic procession?—A. I think there were four or five hundred that I saw; when I got to the grounds one or two companies had already arrived and disbanded or dispersed. But I saw four or five hundred pass General Myers's house. That was on the road to the barbecue.

Q. Were they enthusiastic?—A. Yes, sir; very; shouting and hallooing. They seemed to be in a first-rate humor.

Q. Do you recollect whether a colored man spoke to them on that day?—A. Yes, sir. I forgot that; but I remember Colonel Singleton was introduced to the audience by a colored speaker.

Q. Do you know anything of the antecedents of that man?—A. Not of my own knowledge; I do not know the name of the man. I heard it at the time, but it has escaped me now. I did not know anything of his antecedents, of my own knowledge; I was told, though——

Q. Never mind about that. What was the character of the speech?—A. He was congratulating his people upon joining the democratic party and marching in the procession, and attending the democratic barbecue and listening to the democratic speakers. He was glad to see them and felicitated them, in very good language, upon their being there, and the purpose that brought them there.

Q. Did you attend other barbecues or public gatherings during the fall of 1876?—A. I do not think I did. I did attend one at Yazoo City, that had been given to the colored people to enable them to celebrate the thirteenth or fourteenth amendment—the one which declared them free—some time in August, I have forgotten when. It was a jubilee of the negroes; and I know we gave them a barbecue. They wanted to celebrate their freedom.

Q. Was it not known that they telegraphed to me to come home and make a speech?—A. Yes, sir; I think I was somewhat an instigator. You did not come, however. We gave them a barbecue on that occasion. That is the only one, I believe, with the exception of the other one, that I remember to have attended. That was not a political one. There were no politics discussed there.

Q. In the election which took place last fall, as far as you can judge, and so far as you saw, did the election take place with a hearty goodwill, or was the voting done reluctantly?—A. I cannot speak about that. On election-day I was sick with typhoid fever; I was sick for six weeks; I went to bed two or three days before election, and wasn't able to get out on election-day, and so I cannot speak of my own knowledge. I did not vote.

Q. Judging from what you had witnessed in the county before that time, would you say that the vote was voluntarily given?—A. O, yes, sir.

Q. Or would you say that it was wrested from the negroes?—A. I have no doubt but that the vote was perfectly fair; freely and voluntarily given. I was living where I could hear the shouting, and saw one or two processions pass the house. They were shouting and hallooing.

Q. Did you see the list of appointments which was published for the public speaking during that canvass?—A. Yes, sir; I remember it.

Q. Do you know whether or not an invitation was extended to my opponent?—A. Yes, sir.

Q. Did he ever come into your county?—A. He never came into my

county to my knowledge. I know Judge Hancock when I see him. I am sure he was not there when you spoke, for I heard you speak.

Q. Were you present when I spoke in Yazoo City in 1876?—A. I was.

Q. Will you state what sort of a crowd was assembled there?—A. It was a large crowd of white people and black; pretty evenly divided, so far as I could see; some two or three hundred of each, perhaps more; a considerable crowd; not as many as there were at the barbecue, for it did not draw like a barbecue, of course. There were some three or four hundred of each, I should say, white and black. There were no women and children, as at the barbecue.

Q. You say you were sick and confined at home on the day of election?—A. Yes, sir; and for two or three days prior.

Q. Do you remember to have seen marching by your house, on that day, a large club of colored people headed by Colonel Luse?—A. Yes, sir; I saw that club. They marched to my house, or in that direction, with a view of coming to my house; but my physician stopped them. Colonel Luse and I had formed the club, and they were coming there complimentary to me. The physician stopped them.

Q. Is Colonel Luse a democrat?—A. Yes, sir.

Q. Was he with them that day?—A. He was at the head of the column that day. I saw them from the window. My bed was hauled up to the window where I could see them.

Q. You say that you and Colonel Luce had organized the club?—A. Yes, sir; that particular club that marched by my house. That is the only one that came by that part of the town. I lived some distance from the polling-place.

Q. What was the purpose of their coming?—A. They came complimentary to me. The officers told me so afterward. They attempted to come, but the doctor turned them off. I was very sick at the time, and he was afraid of the excitement.

Q. From all that you heard and saw in the county of Yazoo during the election of 1876, was it a fair election, or was it otherwise?—A. It was a fair election from all I saw. As I say, I was not at the polls on the day of election; but from all I know and heard it was a perfectly fair election—as fair as any ever held in the county.

Q. Did you take part in the canvass of any other county than Yazoo?—A. No, sir; I did not go out of the county, except when I attended that barbecue, and I did not go there for any purpose, except as a spectator.

By Mr. TELLER:

Q. Of what State are you a native?—A. Tennessee—Selma.

Q. Were you in the war?—A. Yes, sir.

Q. On which side?—A. I was on the confederate side.

Q. How long have you resided in Yazoo County?—A. About twenty-six years.

Q. You have resided there as long as you have resided in the State, then?—A. Yes, sir; I went from Tennessee to Yazoo County, and have been there ever since.

Q. You say in 1875 you heard of no disturbances in Yazoo County at all?—A. At the polls and during the election.

Q. How was it during the canvass?—A. During the canvass I did hear of one disturbance; but my answer had particular reference to the election of 1875.

Q. Then I will ask you about the canvass; whether you heard of any disturbance during the canvass, before the election, at any time?—A.

I cannot say that it was during the canvass, for at that time there was no ticket; in fact, there was no opposition or republican ticket put out in Yazoo County.

Q. During the summer of 1875 did you hear of any disturbance in Yazoo County?—A. Yes, sir.

Q. What was it?—A. There was a disturbance in Yazoo City that I heard of. I was not present, and so cannot speak from personal knowledge.

Q. State what you know of it.—A. I can tell what I heard about it, and something I saw afterward. Early in September, 1875, the republicans had a meeting in Yazoo City. Colonel Morgan was making a speech to the meeting——

Q. [Interposing.] This gentleman here?—A. Yes, sir; during the course of his address something that he said was disputed by Mr. Drenning, as I was informed, a democrat. Colonel Morgan's remarks were disputed. I don't remember what the remarks were. I did not hear them; but his remark was disputed by Mr. Drenning. Colonel Morgan then made some remark about the character of Captain Bedwell, the present postmaster, a republican, and said he was an honest man, or made a good officer, or something of that sort, and that was disputed. I think some man in the crowd said that Bedwell was a thief, or words to that effect; and then a collision occurred; shooting commenced, and one man was killed. I saw the dead man afterwards, and was told that he was shot in that affray.

Q. Was he a white man or colored?—A. He was a white man; his name was Mitchell. Mitchell was killed.

Q. Where was this meeting?—A. It was in a public hall, in Yazoo City, on Main street.

Q. Do you know who did the shooting, or do you know anything about it?—A. No, sir; I don't know who did it. I heard various reports.

Q. I suppose that that was not a matter that you could speak about?—A. No, sir; I do not know. I was not there. I heard Mr. Drenning talking about it, and Mr. Dixon talking about it, and Dr. Moore and several other of the gentlemen who were there—white men.

Q. Did that break up the meeting?—A. The meeting was broken up. Colonel Morgan left the room, and went out of the window, and some of the negroes jumped out of the windows. There was a general stampede.

Q. Was that a republican meeting?—A. I so understood it; called by republicans; called by Colonel Morgan, perhaps; it was a republican meeting.

Q. About what time in the season was that?—A. I think it was early in September, as I remember it.

Q. Was it the night of the first of September?—A. The first of September; yes, sir.

Q. Did you hear of any other disturbance during that summer?—A. No, sir; not of a political character.

Q. Any disturbance growing out of a political meeting?—A. I do not remember that I heard of any disturbance growing out of any political meeting that fall or summer.

Q. Did you know of any other republican meeting being held?—A. I do not know that there was any other republican meeting held in the county. I do not remember that there was.

Q. Was that apparently the end of the republican canvass in that county?—A. I think it was. Colonel Morgan left, and I never saw him till I met him here.

Q. Was he an active man in the party?—A. Yes, sir, very. He was the recognized leader in the party—the head of it. I do not think I ever met Colonel Morgan till I saw him here.

Q. Is Yazoo the city the county city?—A. Yes, sir.

Q. Is it the largest city in the county?—A. Yes, sir.

Q. What is the population of the county?—A. I do not know.

Q. Do you know what it was in 1870, when the census was taken?—A. No, sir; I do not.

Q. How does its present population compare with the population of 1870? You can tell pretty near about that.—A. I suppose it has increased. There has been some considerable immigration of negroes there from Alabama and Georgia.

Q. Have you any idea what the increase would be?—A. No, sir; I have not.

Q. Has there been any increase in the white population?—A. There may have been, but nothing like as much as the negro increase; nothing like it.

Q. Do you know what number of voters were registered at the election of 1875?—A. No, sir; I do not.

Q. White or black?—A. I do not. It was between 4,000 and 4,500, somewhere about that. Ours is a very large county, and is the largest in the State territorially.

Q. Do you know what the registration was in 1876?—A. No, sir; I do not; I do not remember that; but it was over 5,000; perhaps nearly 6,000.

Q. What is the population composed of? Is the majority white or black?—A. Largely black.

Q. What is the relative proportion between the white and black people of the county?—A. I cannot tell you that. I can approximate it in this way: the republican majority at an election—the election of 1874, I think—was about 1,700; between 1,700 and 2,000.

Q. Did you have an election in 1874?—A. It was 1873 or 1874; 1873, I believe. The largest white vote that I remember that was ever polled in the county was 1,400, though it may be much larger now.

Q. That was the largest white vote?—A. Yes, sir; 1,400 odd.

Q. And you think in 1873 the republican majority was about 1,700?—A. That is my recollection. It may have been more; it was a large majority, I know; it may have been over 2,000. I do not remember now. It seems to me it was somewhere about 1,700.

Q. When did this colored immigration come in—in what years?—A. It has been coming in ever since 1866 or 1867. Directly after the war they commenced coming, and they have been coming, more or less, every year.

Q. They are still coming in?—A. Yes, sir.

Q. Where do they come from?—A. Alabama and Georgia, and some from Virginia. Planters go out and hire them and bring them there. They are brought there. Labor is more remunerative there than in the other States.

Q. You have no surplus of labor in the State?—A. No, sir; certainly not in my region.

Q. That was the only disturbance you heard of in 1875, the one you mentioned?—A. The one at Yazoo City. Yes, sir; the only one of a political nature.

Q. Were there any others that were charged as political by republicans?—A. I never heard a charge made as to its being political.

Q. I did not know but that you might think they were not political and somebody else might think they were political?—A. No, sir.

Q. What did you think about the canvass of 1876? Was there any canvass made by the republican party in your county in 1876?—A. No, sir.

Q. Was any attempt made?—A. I don't think there was a speech made—I don't remember that there was a speech made in 1876 in Yazoo County by the republicans.

Q. Do you know of any attempt to make a speech there?—A. No, sir.

Q. You don't know of any?—A. I don't think there was any attempt made.

Q. Were there any republican clubs in the county?—A. No, sir.

Q. Were there any military white clubs in the county?—A. In 1876. No, sir.

Q. Were there in 1875?—A. I don't know whether you could call them military or not. There were several organizations, quasi military organizations there in 1875; a good many of them.

Q. What was the character of those in 1875, as far as you know?—A. I can speak of my own knowledge about those organized in Yazoo City. I belonged to one of them myself. There were three separate companies in Yazoo City, three or four—perhaps four—organized a month or so preceding the election. The organization in Yazoo City, or one to which I belonged, was in form military. We didn't drill, but we marched in military style.

Q. Were you armed?—A. Armed; yes, sir.

Q. With what weapons were you armed?—A. Variously armed; some had shot-guns, and some rifles of various patterns. I had a Winchester. Several others of the company that I belonged to had Winchester rifles. Some had needle-guns, as they called them, and some had shot-guns, and some had pistols.

Q. Did you get the weapons for this company?—A. Yes, sir; we bought some. Most of us had weapons before that; some of us had shot-guns and side-arms.

Q. The needle-guns and Winchesters were all bought?—A. There were some bought before—sporting guns—and some bought after the organizations were started.

Q. Were you uniformed?—A. No, sir.

Q. Did you have officers?—A. Yes, sir; we had officers; captains and lieutenants.

Q. Was this a political organization as well as military?—A. It was not military at all; it had no political purpose. I will explain the purpose if it is in order.

Q. Yes; I was going to ask you for what object they were organized.—A. Directly after this occurrence at the public hall between Colonel Morgan and others—it occurred at night; I was at home and asleep—I was sent for to come down town; that there was a fight going on, and one man had been killed. I went down and found the dead man in the hall; and we were all very much excited.

By Mr. SINGLETON:

Q. That is the same one you spoke of awhile ago?—A. That is the same one I spoke of awhile ago. We were very much excited and alarmed. I was, I know. There were various rumors broached about through the town that the negroes were enraged at the treatment that Colonel Morgan had received at the hands of Dickson and Drenning,

and Dr. Moore, and others, and that they threatened retaliation in some form. We armed to repel an invasion—an attempted invasion—and armed at the request of the mayor of the town, who, I believe, at that time was a republican, if he was anything. He was elected by republican influence there I know. Anyhow, it was at the mayor's request that we armed and organized as an aid to the police force of the town. We picketed the streets and the public roads leading into town with the view of repelling any attempted invasion of the place. We didn't know in what form it would come or when it would come; and we didn't know that it would come at all; and it didn't come as found out. We kept up that organization for some two or three weeks, and then disbanded it; and we have had no organization in the county since—in the town I should say.

By Mr. TELLER:

Q. You had them in the county?—A. There were various organizations of that character throughout the county.

Q. When were they organized?—A. About that time.

Q. How long did you keep out your pickets around the town?—A. Some two or three weeks.

Q. Did you keep a regular guard all the time?—A. Yes, sir; kept two or three stationed for the three or four or five days following this disturbance, but at night after that time. The pickets were drawn in in the day-time after the lapse of three or four days.

Q. You never heard anything further about negroes coming to do any damage?—A. No, sir; I heard of the force that started from Silver Creek, a part of our county about fifteen miles from Yazoo City. I heard that, but I don't know whether it is true or not.

Q. Did you hear of it at the time?—A. I heard a few days after the disturbance that a force of fifty or sixty armed negroes were on Wolf Lake.

Q. Do you really suppose that they had any such idea?—A. If they had started at all——

Q. I do not ask you that. Do you believe that there was any body of men of that character who contemplated making a raid on your town?—A. From what I saw, I don't believe now that the negroes meditated anything of that sort. I thought so then.

Q. You now think it was just a rumor?—A. As it turned out, it was a rumor merely; but as we thought then, very well founded. The Vicksburgh affair was recent then in our minds. The negroes had marched on Vicksburgh, as I was informed, with arms in their hands. That was the reason; and we dreaded a recurrence of that thing in Yazoo, and hence our alarm.

Q. If the negroes had been acquainted with the transaction at Vicksburgh, it would not have given them very much encouragement, would it? They were defeated there?—A. I don't think it would have encouraged them. It would not have encouraged white men, much less negroes, who are timid.

Q. You think they are timid?—A. Yes, sir; they lack courage.

Q. Is that a fact that is generally conceded in the South?—A. I think so. That is my opinion. I have been raised with them. I have lived with them all my life.

Q. How are they with reference to being vindictive and ugly?—A. I don't think they harbor much revenge. They are forgiving in their nature, as a general thing. There are some of them, who have a strong infusion of white blood, who are vindictive.

Q. The nearer white they are, the worse they are?—A. Yes, sir; that is my opinion.

Q. Do you mean that it is the white or the black blood which gives trouble?—A. You will have to draw your own conclusion. That is my observation—that the mulattoes are the most troublesome.

Q. Do you mean to say that the taxation in Mississippi had been very burdensome?—A. Yes, sir; that is my conviction. It has been burdensome to me.

Q. At about what rate do you assess your farming-land in the State of Mississippi?—A. It depends upon the quality of the land. There are some lands that are worth a great deal more than other lands.

Q. Give the different grades.—A. What we call good swamp-lands—cotton-lands—are assessed at from ten to fifteen or twenty or twenty-five dollars an acre, according to quality.

Q. What is the value of such land?—A. According to quality. The first lands are worth thirty to forty or fifty; and I have known some sell for seventy-five dollars an acre.

Q. What proportion is the assessment?—A. The assessment, as a general thing, is under the real value.

Q. But about what proportion of the value is it?—A. I can't tell you that; perhaps ten or fifteen or perhaps twenty per cent.

Q. Does that hold good with town property?—A. I can't say as to that. I have never had occasion to inspect the personal-assessment rolls, as they call them.

Q. Do you live on a farm?—A. No, sir; I live in Yazoo City; lawyer.

Q. Do you know the value of the taxable property in your county?—A. No, sir, I do not.

Q. You say the tax in 1874, State and county, was what?—A. It was twenty-four mills.

Q. And that the State tax was fourteen mills in 1874?—A. I think it was, if Mr. Hall is right in his certificate.

Q. I am speaking now of 1874.—A. It was fourteen mills.

Q. Then that would leave a county tax in Yazoo County of ten mills?—A. Yes, sir.

Q. In 1875 you say that the republican legislature transferred the judiciary expense from the State to the county tax?—A. To the county; yes, sir.

Q. And that took off two and three fourths mills from the State and added two and three-fourths mills to the county?—A. Yes, sir; it required the county to levy that tax.

Q. And that is now the present condition of affairs?—A. Yes, sir; I believe that is the judiciary tax now, and that was the tax in 1876.

Q. Whatever it is, it is still collected in the county and not in the State?—A. Yes, sir.

Q. How was the school-tax in 1875, previous to that, collected?—A. I think a part of it—what was called the school-tax fund, four mills—was collected by a State levy.

Q. Do you know what that was for the year 1875?

The WITNESS. The school-teachers' fund tax?

Mr. TELLER. Yes, sir.

A. I do not remember. It was either two or four mills. It seems to me that the legislature reduced it from four to two mills, but I won't be sure about that.

Q. You say that it is carried out nine when it ought to have been carried out eleven?—A. Yes, sir; according to his statement.

Q. Where you have got four mills for school-tax should it not have been two mills?—A. I have not got it at all. I am taking Mr. Hall's statement to Governor Boutwell. If it was two mills, then the secretary's carrying out was right.

Q. Was not the error in writing four when it should have been two for that year?—A. Provided it was two, which I don't think it was. I have tried to find the acts for that year, but I can't get at them.

Q. How is that school-fund collected now, since 1875? Is it collected as a State tax or county tax?—A. The school-teachers' fund do you refer to? We have two funds. We have a school-teachers' fund and a school-house fund. The counties levy and collect the school-house fund, or did heretofore.

Q. How long have they done that?—A. Ever since the establishment of the school system.

Q. Then it was the school-teachers' fund which was four mills or two mills, or whatever the amount was?—A. Yes, sir.

Q. Has that two mills or four mills, whichever it is, been transferred to the counties?—A. I believe it has. I believe they get the benefit of it.

Q. So that that reduces the State tax to that extent?—A. O, no.

Q. Is that levied with the State or county tax?—A. I think it was levied with the State tax, if it was levied at all.

Q. Mr. Wilson said it had been transferred the same as the judiciary tax.

The WITNESS. To the county tax?

Mr. TELLER. Yes.

A. I cannot speak positively. I know the school-tax is collected by the county, but I don't know whether there is such a school-teachers' fund collected by the State or not now.

Q. Do you know whether that act has been repealed which provided for the collection of the school teachers' tax?—A. No, sir, I do not.

Q. You said before that you had given to the negroes a month more of schooling. How is that schooling paid for now?—A. Do you mean how are the teachers paid?

Q. Yes, sir.—A. In lieu of this tax, perhaps. I do not know whether it is or not, but they are paid in this way, as I understand it: The statute gives to the school-fund all of the fines, the forfeitures, the moneys collected for licensing retail liquors, and the proceeds of forfeited lands. There are three or four sources of revenue which compose the school-fund, and if there is any deficit in that fund it is made up by an appropriation out of the State treasury; but of moneys not otherwise appropriated.

Q. So that you do not think there is any direct tax for the school-fund?—A. I do not believe there is for the year 1876. I didn't expect to be questioned about it, and I didn't post myself. I know Mr. Wilson said it was taken off of the State tax, but I understood it was transferred.

Q. You said you had agreed to give the negroes the same amount of schooling, and, in fact, had given them more. Now, how is that secured to them?—A. By law.

Q. Does the law provide for it?—A. The law provides that the public schools in the counties and State shall be kept open for at least five months in every year.

Q. Suppose there are no fines or licenses, and that there is no money in the treasury not otherwise appropriated, how are the schools to be kept open?—A. They will have to run on credit, the same as they have before in many of the counties. Use their scrip and put it on the market and sell the warrants.

Q. You say the schools were organized for the negroes?—A. I did not say so entirely, but chiefly for the negroes.

Q. Have you public schools for the whites?—A. Public schools; yes, sir.

Q. You have separate schools?—A. Separate schools.

Q. You do not have them together?—A. We did not have them together; not mixed schools.

Q. How are these schools attended?—A. Very well, so far as I know; very well in my town.

Q. Do you know the number of school-houses in the State of Mississippi?—A. I do not; I do not know the number in my own county.

Q. You say there were a good many democratic speeches made in your county during the year 1876?—A. Not a good many; there were several; they were mostly by persons living in the county. Our candidate for Congress made one or two speeches in the county; three of them, I think.

Q. Do you think the negroes voted your ticket in 1876 in your county?—A. Yes, sir; I judge so by the result. I am sure they did. There were not enough white people to make the majority we had.

Q. There were about four thousand votes?—A. No, sir; not that many; there were thirty-six hundred and something, I think; about four thousand and odd in 1875.

Q. Thirty-six hundred and seventy-eight votes you got in Yazoo?—A. Yes, sir.

Q. You were in Holmes County at a meeting; but you do not know much about that county?—A. No, sir.

Q. You attended a barbecue after the election?—A. Yes, sir.

Q. You say there were a good many negroes there?—A. Yes, sir.

Q. Were there tables provided for them?—A. Yes, sir; it was given to them, in a great measure.

Q. They had all voted for you before that?—A. That was after the election, and the white people gave them a barbecue; and we had a general jubilee there, all hands.

Q. Were things peaceable and quiet in your county?—A. Everything.

Q. Was there any anticipated negro-rising in your vicinity?—A. No, sir; none that I know of; everything was quiet.

Q. How are the negroes generally in your county?—A. Perfectly quiet, so far as I know.

Q. Are the negroes industrious?—A. Yes, sir; they work very well.

Q. What system do they work on in your county? By rent?—A. Yes, sir; large numbers of them rent and some work for a share of the crop.

Q. Do any of them own land of their own?—A. Some of them own land of their own; some of them do, not many. They are not thrifty. They do not accumulate property much.

Mr. TELLER. Colonel Morgan is better acquainted with some facts which he wishes to have brought out, and I will now resign the examination to him.

By Mr. MORGAN:

Q. You stated that in 1875, on the night of the first of September, when this riot occurred, the mayor of Yazoo City was a republican; can you give his name?—A. F. W. Battle was the mayor at that time.

Q. Are you not mistaken?—A. That is my recollection; I know that he was acting mayor at that time.

Q. When was George Wilkinson elected?—A. He was elected some time prior to that; but he was ousted by the board of aldermen; turned out. Mayor Battle was put in his place. F. W. Battle was the mayor prior to that, as you know, and elected, as I always understood, by republican votes. I did not say he was a republican at that time; I said if he was anything he was a republican; I do not know that he had any politics.

Q. Was there not a charter election for Yazoo City in the spring of 1875?—A. I presume there was; we have one every year, in the spring, for aldermen.

Q. Were you or not elected member of the board of aldermen at that time?—A. I think I was.

Q. And Mr. George Wilkinson was elected mayor?—A. Yes, sir.

Q. Mr. Wilkinson resigned subsequently?—A. He either resigned or he was turned out. I think his resignation was asked for, and he gave it in.

Q. This board of aldermen was a democratic board, was it not?—A. I believe it was; I don't know whether it was mixed or not; I believe it was democratic, to the best of my recollection.

Q. It was this board of aldermen, then, which selected this mayor?—A. Yes, sir.

Q. Will you please state whether or not the canvass of 1875 was inaugurated in Yazoo County by what is known as the "color line?"—A. I never understood it that way.

Q. Do you know of any effort being made to inaugurate such a policy?—A. There were parties there in favor of that policy. I do not know whether any of the papers were in favor of it or not. It seems to me that perhaps one of them was advocating what was called a "color-line policy."

Q. Do you know that both of them were?—A. I do not know; I think the Banner was, very decidedly; that is my recollection.

Q. Do you not know that the Herald was?—A. I do not remember about the Herald; possibly it was. I am certain that the Banner was.

Q. Do you not know that the Democrat was?—A. I don't know whether we had three papers at that time or not, colonel; I don't remember. I know the Banner was.

Q. Were the Herald and Democrat democratic journals?—A. Yes, sir. The Herald at one time was a republican journal, but I think they sold out.

Q. And that was prior to the canvass, was it not?

The WITNESS. Prior to 1875?

Mr. MORGAN. Yes, sir.

A. Perhaps it was.

Q. Do you remember visiting my brother, W. A. Morgan, at his house a few days after the riot of the first of September?—A. Yes, sir.

Q. In company with Dr. McCormick and one or two other persons?—A. Your brother sent for me and I wanted to see him. I don't remember that Dr. McCormick was along. I think I went to see your brother twice. I don't remember that Dr. McCormick was along; he may have been, though.

Q. Will you be kind enough to state what the purpose of that visit was?—A. Your brother sent for me, and I went. He seemed to be in dread of some violence or bodily harm to himself, and sent for me to make inquiries as to whether he was really in danger or not, and for me to protect him, if I could, from any threatened violence. I told him

that I didn't consider he was in any danger at all, and that I would protect him to the extent of my ability from any violence.

Q. Was there anything said during the interview about sending for me, and offering to turn over the command of the armed companies in the county to me, if I would return to the county and take charge as the rightful sheriff of the county?—A. Not that I remember of; I don't think anything of that sort was said by me, or by your brother to me; I don't think that could have been done at that time; I am sure it could not; and I would not have said any such thing.

Q. I would like to have you reflect one moment. Do you, or not, remember that you called at my brother's house early on the morning of the eighth or ninth day of September, about the time of the Yazoo riot, and inquired of him where I was, and that he told you, perhaps, that he did not know where I was; and that you then said to him you would be glad if he would ascertain, and that you had called in company with Dr. McCormick to say to him to say to me that the state of excitement in the town and in the county was so great, popular apprehension of violence and continued strife was so great, the necessity for a peace officer whose rights were undoubted and unquestioned in the county was so great, that it was his duty to send for me and have me return to the county; that you were authorized to say to him to say to me that if I would do so the armed companies would be turned over to me and placed under my command for the purpose of preserving the peace?—A. No, sir; I never said anything of that sort.

Q. You have no recollection of it?—A. I know I never said it, for I know I could not have made any such assurance or pledge that they would have been turned over to you; and I never said anything of the sort. I remember asking your brother where you were, or if you could be communicated with. He told me you were in Jackson, he thought, but did not know certainly where you were. But, as to the other part of your question, I answer, no.

Q. Did you visit him a second time about that time, (perhaps the next day.) at his house?—A. I cannot say the interval of time that elapsed between the two visits; it was within a day or two, I think, as well as I remember.

Q. You again visited him?—A. That was at night; I went once at night. I remember he sent for me.

Q. Be kind enough to say who was in command of the armed organizations then present in the county.—A. In the city, Colonel Andrews was in charge; in the county, I heard that Captain Taylor was in charge. I do not know.

Q. Who was Captain Taylor?—A. He is a citizen of Yazoo County.

Q. Is he the present sheriff?—A. He is the present sheriff; yes, sir.

Q. Who is Colonel Andrews?—A. Colonel Andrews is a lawyer, living in Yazoo City.

Q. Do you know Henry Dixon?—A. I do.

Q. Do you know what part he took, if any, in the canvass of 1875?—A. Not of my personal knowledge. He took a part, as I heard, in this affray at the public hall; that in which you were concerned. Politically I do not think he took any part; he never made any speech that ever I heard of; I never heard him electioneering with anybody, or talking politics with anybody; politically, I do not think he took any part, as far as I know.

Q. Have you or not ever heard of a company known and styled in Yazoo City as the Dixon Scouts, or Regulators?—A. I have heard of a company they called Dixon Scouts; knew them, and knew a great many of its members—a mounted company.

Q. Were they not often styled Dixon Regulators?—A. I never heard them called by that name; they didn't call themselves that.

Q. Was this organization composed exclusively of white men?—A. Entirely, so far as I know; there were some men from the city and some from the country who belonged to it; they were mounted, and were not a part of this city police force that I spoke of.

Q. What duties did they perform?—A. I can hardly answer that, not being a member of it, and not watching their movements; I cannot say of my own knowledge what duties they performed. They were riding about the county in various parts—sometimes in Yazoo City, sometimes out on the Big Black, fifteen or twenty miles east, sometimes fifteen or twenty miles west, as I understood.

Q. Did they have no purpose?—A. Not that I know of; I know of one purpose they had; they went to Silver Creek to arrest a negro there on the charge of murder. I happened to be on the creek at the time they got there; they told me they came for that purpose.

Q. Will you be kind enough to say whether you recognize that handwriting? There are two letters there, [handing letters to witness.]—A. Looking at this one, it looks to me very much like General George's; it is a little better hand than he writes.

Q. Do you recognize that signature?—A. That looks something like Captain Bedwell's signature.

Q. Do you know it is Captain Bedwell's signature?—A. No, sir; I do not.

Q. From a peculiarity that it has?—A. It is lacking in that peculiarity that I am trying to find now; there seems to be some similitude. That is not his regular signature, though I believe it to be his.

Q. You have stated you believe the elections of 1875 and 1876 to have been perfectly fair.—A. I believe so.

Q. You have stated that Captain Bedwell and other leading republicans of the county refused to be candidates for office?—A. Captain Bedwell told me so; he is the only man that I ever talked with on that subject; he did not say leading republicans; he said those that were placed on the ticket.

Q. I wish to identify this handwriting in order that I may leave the letter with the committee.—A. I believe that is his signature; but I do not recognize the body of the letter as his handwriting.

Q. Do you or not recognize the letter-heading as Captain Bedwell's letter heading?—A. No, I do not; I don't know that I ever saw any of his letter-heads before; if I ever saw them I do not remember them; I do not recognize that as anything like what I ever saw in his office; but I am rarely in his office.

Q. You are familiar, are you not, with the office duties of Captain Bedwell's office?—A. I am somewhat familiar with the duties of the postmaster, sir; I do not know what his other duties are.

Q. Will you be kind enough to say at what date, or about what date, your canvass in Yazoo County began in 1875? I mean the democratic canvass.—A. It commenced some time in September, I think; perhaps some time in September after this trouble occurred—this affray at the hall there.

Q. I refer to the commencement of the speaking?—A. I could not tell you when the speaking commenced; you might say that the canvass commenced before that; we had been talking, but I don't remember when the public speaking began.

Q. Do you think there was any public speaking by the democrats in the county prior to October 16?—A. I do not remember; there might

not have been; I don't remember what time our candidate for Congress spoke; I know he came there and made a speech, but what time I do not know. I made one or two myself; but I do not remember the dates. My impression is that there were no public speeches until after this trouble in September; that is my impression; I will not say positively.

Q. After reflection do you not think that the canvass so far as public speaking was concerned was postponed until after the peace arrangement between General George and Governor Ames?—A. Public speaking on the democratic side was not postponed at all. On the other side, there was nobody offering to speak, but for what reason it was postponed I do not know.

Q. Did you say there were any democratic meetings held in Yazoo County, or that any speaking took place or that there was any canvassing by the democrats at any point in Yazoo County prior to the conclusion of the peace arrangement between Governor Ames and General George?—A. No, sir; I will not say that, because I do not know. I don't remember the dates of the peace; it was some time in October, if they call it the peace. It was a telegram assuring General George that the republicans might put out a ticket and vote it if they wanted to, free from molestation. That was some time in October. Whether there was any public speaking after that time I do not remember; there may or may not have been.

Q. Do you know W. H. Foote?—A. I do.

Q. Do you know whether or not he was wounded at the riot on the night of September 1?—A. I know he was wounded; he told me he received it there in that hall.

Q. Was the man who was killed a republican or a democrat?—A. He was understood to be a republican, although he denied it when he was talking to democrats. I have heard him deny it.

Q. Do you know whether he was affiliating or co-operating with the republicans?—A. It was so understood by the democrats. I think he was some sort of deputy or tax-collector of Yazoo.

Q. You do not know that fact?—A. I do not know it; he said he was; I do not know whether he served a process or not; I know he was in the office there a good deal.

Q. Was he an ex confederate soldier?—A. I do not know that; he came to Yazoo County after the war; I do not know where he came from or what he was.

Q. About what hour in the night were you summoned to go down town?—A. I don't remember; I was asleep I know; it was ten or eleven o'clock I imagine. I go to bed about ten usually.

Q. Was there much excitement on the street?—A. A good deal of excitement; all the white people were out on the street; nearly all of the citizens of the town were out; and all the negroes gone, none of them about.

Q. You saw very few colored people?—A. I saw none that night.

Q. Did the white people have arms or not?—A. Some of them had and some had not. They stirred around, though, and got them; by daylight I think every man was armed.

Q. Do you know of any persons bringing arms by the box to Yazoo City during that canvass or prior to it?—A. There were some arms brought there by merchants. There was one house broughtarms there to sell, and they have them yet.

Q. What character of guns?—A. Various characters; needle-guns, shot-guns, breech-loaders, pistols, and Winchester rifles, any other sort of guns that are usually found in the market.

Q. Have you or not ever heard of subscriptions being taken for the purpose of purchasing arms in Yazoo City or in Yazoo County?—A. I may have heard of it; I think I did hear of it; I never saw a subscription, but I did hear of it—contributions in money to buy guns; I heard of that.

Q. Please state to the committee at what time this arming in Yazoo County commenced.—A. The first I knew of it was on the night of the trouble in Yazoo City, on September 1st.

Q. Had you never heard or did you not know of persons arming prior to that day?—A. No, sir; I do not say that they had not in the county; I do not know; I never heard of it; but that was the first knowledge I had of arming at all, that night.

Q. You were in Yazoo City the morning following the riot?—A. O, yes, sir; and I have been there ever since, except a few days when I was in Holmes County.

Q. Were there or not any armed companies reported there on the day following from the country?—A. On the day following the riot there were one or two companies who rode in on horseback.

Q. What companies were they?—A. There was a company commanded by Captain Taylor, and another commanded by a man of the name of Bane. Those are the only ones I know of.

Q. Was he Walter Bane?—A. I don't know his other name. His name was Bane. He lived out on the Vicksburgh road.

Q. Was Captain Taylor's company an infantry or mounted company?—A. They were mounted, but not uniformed, and not with much order in their march.

By Mr. TELLER:

Q. You say that Dixon's company came down on Silver Creek where you were to arrest a man?—A. Yes, sir.

Q. Did they come as a sheriff's posse or how?—A. The deputy sheriff was with them; that is, a man who said he was a deputy sheriff. I had seen him around the office.

Q. Do you know whether they were summoned as a posse or were simply volunteers?—A. I don't know that. The deputy sheriff was one of them, and he was in charge of the deputy sheriff when I saw him.

Q. Was that the time Morgan was sheriff?—A. Yes, sir; but he had left the county. He left a deputy in the county, however, one or two. This man claimed to be a deputy, and served process as deputy. It was never questioned in the courts, and he served as deputy.

By Mr. SINGLETON:

Q. You were asked as to your understanding about this meeting in the hall when the difficulty occurred. How many white men do you understand were there?—A. I don't know that I have ever heard it estimated how many white men were there. I know how many told me they were there. I think I could name them; there were some seven or eight altogether.

Q. Was it not the common understanding that there were only seven or eight?—A. There were very few, as I understood.

Q. How many colored people were there?—A. I don't know.

Q. Have you not understood that some or all of those gentlemen were invited there by either Colonel Morgan or Mr. Mitchell?—A. There was a Colonel McCullom there and Dr. Moore. They told me they were invited. Mr. Dremning never told me that he was invited. I don't know whether there was a public invitation or not; it was a public meeting.

Q. It was understood that they had been invited to attend?—A. They said they were. They told me they were invited to attend.

Q. You speak of the colored people as being peaceable. I wish to ask you if when they are under the control of a dangerous leader or when they get bad whisky they are not a very dangerous people?—A. The colored people, left to themselves, I consider very peaceable, and very easily led or misled; and, following a bad leader, would be dangerous; but left to themselves, I consider the colored people a docile and quiet people.

Q. If nobody disturbs them and they are left alone, I suppose they are quiet?—A. Yes, sir; if they are left alone.

Q. After this riot which you have described here to-night, which occurred at the hall, were there not rumors floating through town that the colored people were armed and that the city was in danger?—A. Yes, sir; the rumor was rife throughout the town and a large part of the county.

Q. Did you know whether that was true or not at the time?—A. I did not; no, sir; I believed it, from what I heard, but I did not know it.

Q. Were those people who armed themselves there that night and who came in the next morning, there for the purpose of protecting the town against any invasion that might be made?—A. Yes, sir; that was the purpose of the organization; and these officers who brought their companies into town next day told me they were there for the purpose of assisting us to beat off any invasion or threatened invasion.

Q. Did they follow any one up or commit any outrages the next day?—A. No, sir, none at all, that I heard of. I don't think there was any outrage committed; I never heard of it.

Q. Did they disperse peaceably?—A. Yes, sir; when they found there was no danger, after the alarm blew over they dispersed, and our organization disbanded.

Q. So far as you know, the armed organizations in the county of Yazoo were for the protection of the citizens?—A. Purely, and for no other purpose.

By Mr. MORGAN:

Q. Did you ever hear of any of the republican leaders in Yazoo County giving intoxicating liquors to the colored people by which they hoped to control them?—A. I never did; I will say this much, what I heard from negroes themselves, that they were told by their leaders—I mean republican leaders, and one of them told me, not many days before I left him, that they were advising—one told me he was sworn never to vote for a native white man, democrat, for any office in the world.

By Mr. TELLER:

Q. Not to vote for what?—A. Never to vote for a white man who was a native and a democrat, because if the democrats ever got into power they would remand the negro back into slavery.

By Mr. MORGAN:

Q. You do not believe that statement?—A. Yes, sir, I believe it; and Captain Bedwell told me that that was the strongest card they had to play against us. I rallied Bedwell about it and told him that this negro told me about it, and asked him if it was possible that he or his party had put that idea in the head of the negroes; and he told me that was the strongest card they had against us.

By Mr. TELLER:

Q. You believe that that had been told to the negroes?—A. Yes, sir; I really believe it.

By Mr. MORGAN:

Q. But not that they would put them back into slavery?—A. O, no, we never had any such idea; that is what the negro believed that they would do.

Q. We are both pretty well acquainted with Captain Bedwell?—A. Yes, sir.

Q. You know his moods and humors. Do you believe that he stated that in candidness?—A. I asked Captain Bedwell if he had given any such teachings, and he told me just as I tell you, that that was the strongest card they had to play against the democrats.

Q. Did you not think he was retorting in a jocular or sarcastic way? A. I do not think so; I might have thought so if those negroes had not told me.

By Mr. TELLER:

Q. What negroes were they?—A. One was named John Booker, a fierce radical, as we call them there, but a good democrat now.

Q. Did he tell you that after he got to be a democrat?—A. Yes, sir; he is a great favorite with me, and I converse with him very frequently, and I asked him when he joined our club. He joined the club that I assisted to form last fall; and I asked him why he didn't become one of us before that; and he told me very candidly that he had been sworn never to vote the democratic ticket under any circumstances; that he could trust the white men in matters of contract and all other business matters with impunity, but in politics not at all.

By Mr. MORGAN:

Q. Did you say where or in what manner he had been sworn?—A. No, sir; I did not ask him.

Q. Did you not know that for four years the sheriff of Yazoo County was an ex-slaveholder, elected by colored men and republicans?—

The WITNESS. Do you mean Colonel Hilliard?

Mr. MORGAN. Yes, sir.

A. I never knew he was a slaveholder; he married a lady who was a slaveholder.

Q. Was he not living off the labor of slaves?—A. Yes, sir; I suppose so.

Q. Did the colored people show any particular animosity or ill-will or hatred against him?—A. I do not know; unless they shot him there that morning in the court-house.

Q. That was in the riot?—A. Yes, sir; they exhibited some political feeling against him in not voting for him when you ran.

Q. Had he not been elected and had he not held the office of sheriff four years by the suffrages of the colored people?—A. Yes, sir; I believe he held it two terms. I know he had been sheriff for some time. I do not know about four years.

Q. Was Colonel Batton an old slave-owner?—A. No, sir; he never owned a negro in his life.

Q. He was some years a resident of the South?—A. He was born in Virginia; he has lived South all his life.

Q. Do you, or not, know that he was repeatedly elected by colored voters?—A. He was elected, and I presume by colored voters. He was understood at one time to be a good republican. He held a Federal of-

fice, and I suppose he had to make his title clear to get a Federal appointment.

Q. Do you know J. C. Wilson?—A. Yes, sir.

Q. Was he not for many years a resident of Mississippi?—A. Yes, sir.

Q. Was he not repeatedly voted for by colored men?—A. I think he was; he was elected.

Q. Do you know Isaac Hunter?—A. I know Isaac Hunter very well.

Q. Is he not a southern man?—A. Yes, sir.

Q. An old slaveholder?—A. I do not think he ever owned a slave.

Q. He was for years a resident of the South?—A. Yes, sir; born there.

Q. Was he not repeatedly voted for and elected to office?—A. I don't know that.

Q. Was he not a magistrate?—A. He was a magistrate up there; but who voted for him or who elected him I do not know.

Q. Is it not a matter of common rumor and notoriety that Hunter was elected by the colored people as a magistrate?—A. No, sir; if it was I never heard of it. He was not regarded as a republican.

Q. He held office in a largely republican district by election?—A. Yes, sir.

Q. Do you know Jesse E. Bell?—A. Yes, sir.

Q. Was he not for many years a resident of the South?—A. Yes, sir.

Q. And considered a southern man?—A. He was born and raised there.

Q. Was he not repeatedly elected to office?—A. He was elected justice of the peace; but who did it I do not know.

Q. Was he not elected justice of the peace in a largely republican beat?—A. Yes, sir; the county was largely republican, all over, at one time.

Q. Do you know Elliott, the magistrate?—A. Yes, sir; I know him.

Q. Is he not a southern man?—A. Yes, sir; I believe he is. I have known him there for ten or twelve years.

Q. Was he not voted for and elected to office repeatedly for several years?—A. He held office.

Q. In a largely republican beat?—A. Yes, sir.

Q. Do you know Hon. J. E. Everett?—A. Yes, sir.

Q. Was he not, and was his father not before him for many years, a slaveholder?—A. His father was.

Q. And is he a native of the South?—A. I don't know about his father; he was himself. J. E. Everett is a native of Yazoo County, I think.

Q. Do you not know the fact that he was repeatedly elected to office, and elected to his present office by colored voters?—A. He was elected as a republican, and I presume by colored men.

Q. Then will you say whether or not you believe this charge by this man John Booker?—A. I said two or three times that I believed from what the negroes said and from what Captain Bedwell told me——

Q. Do you believe that the negroes in that county were generally sworn that they must not vote for native whites?—A. I do not know about "generally;" this old negro told me that he was sworn, and Captain Bedwell told that that was the strongest card they had to play against the democrats, and I believed Captain Bedwell and believed the negro.

Q. It is very singular, if they were sworn not to vote for slaveholders and native whites, that they should have elected so many of them

to office?—A. I believe they thought the oath was not binding. I believe I told them so in my speech.

By Mr. TELLER:

Q. I want to ask you about the Dixon scouts. Were they mounted men?—A. Yes, sir.

Q. You say they were going around through the different sections of the country; how early in the season of 1875 do you know of their going out on those scouts?—A. I cannot speak except of one occasion; I happened to be on Silver Creek at the time the company came there. That was some time in October; late in October, I think.

Q. You know of their going out in other sections besides that, did you not?—A. I heard of their being out. They were occasionally in Yazoo City, and occasionally I would see them riding out of town; and they would be gone several days.

Q. How often did you see that?—A. I saw it three or four times, I reckon.

Q. Do you know where they went?—A. No, sir; I do not; except in that particular instance.

Q. Do you know what business they were engaged in?—A. I do not.

Q. Was there any necessity, at that time, of patrolling the country, that you know of?—A. I do not think there was. At that time our scare had blown over; that is, that is my opinion. Others thought differently.

Q. What number of men were there in this company?—A. There were some twenty-five or thirty, I would suppose.

Q. Armed?—A. Armed; yes, sir.

Q. How?—A. Variously; shot-guns, pistols, rifles; they had no uniform.

Q. How many did you see go out?

The WITNESS. Do you mean in this company?

Mr. TELLER. Yes, sir.

A. There were some twenty-five or thirty in the company.

Q. You said you thought that the negro with bad leaders might be dangerous.—A. Yes, sir.

Q. How many negroes, do you think, are a match for a white man?—

The WITNESS. Do you mean intellectually?

Mr. TELLER. No, I mean physicially; I mean in warfare.—A. If you come to a fist-fight——

Q. I mean with weapons; I mean war. Just take the negro as he is in that country.—A. If you take the negro isolated, I should think it would take two or three; but if he is properly drilled, and in the hands of skillful officers, he will put up about as good a fight as a white man; properly armed and drilled.

Q. When he is acting under authority?—A. Under command; yes, sir.

Q. I am speaking of a war of races in the country now.

The WITNESS. Do you mean a collision of one unorganized force with another?

Mr. TELLER. Yes, sir.

A. It would be a difference of two or three to one, I should say.

Q. Isn't the negro a being who has great respect for authority?—A. Usually so.

Q. And he would fight much better if he knew that he was fighting under the authority of government than if he was fighting singly?—A. I reckon that would fortify his courage some. I suppose it would. I

never saw him under that state of circumstances. I saw some of them fight, and they fought nobly. We did not meet them ourselves.

Q. You did not come in contact with them in the war?—A. No, sir; but I saw some of them fight.

By Mr. SINGLETON:

Q. Those gentlemen you speak of as having been voted for by the colored people and elected to office were all republicans?

The WITNESS. Those that Colonel Morgan named?

Mr. SINGLETON. Yes, sir.

A. I understood them to be republicans. We never understood Isaac Hunter to be a republican. I never did. He always denied he was, although he held office presumably at their hands.

C. N. GWIN sworn and examined.

By Mr. SINGLETON:

Question. State your place of residence and how long you have lived there.—Answer. I now live in Lexington, Holmes County, Mississippi, but in 1875, and until April, 1876, I lived in Yazoo City, Mississippi.

Q. What is your profession?—A. I am a lawyer by profession.

Q. Did you take any active part in the political canvass of 1875 in the State of Mississippi?—A. I did, in Yazoo County, in that State.

Q. Will you please state whether the election was a peaceable, quiet, and orderly election, or whether there was any intimidation or improper means used to influence colored votes in that county during that year?—A. I know of none. During the election of 1875, in Yazoo County, the vote was cast—I only speak of Yazoo City, because I was not at other polling-places—the vote was cast freely, voluntarily, and as good-humoredly by the colored people as I have ever seen votes cast anywhere. I know further that at least 175 or 200 colored votes were freely and voluntarily cast, and I know it from this fact——

Q. Cast where?—A. At Yazoo City. I am sure of it from this circumstance, that myself and Major Dougherty went down to his place—there was one other gentleman whose name I have forgotten now—and at his house there were the negroes working on his own plantation, and other negroes from neighboring places. The night before the election a small democratic club had been organized on that place, two or three weeks before, I think, and on that night a great many more were added to it. I know that their accession to the club was free and voluntary. I know that no threats were used; that words of the utmost kindness were spoken to them, and I know, too, that a good many of them refused to join, and no effort beyond moral persuasion or argument was brought to bear for the purpose of inducing them to join, and those who refused to join were not even talked to angrily; they were permitted to exercise their own free will, and the next morning I think about three hundred negroes got on the steamboat and came up to Yazoo City. I do not believe there were more than about ten white men on the boat, beyond the officers of the boat and those necessary to run it. They came to Yazoo City with all of their badges on—badges usually printed in the names of the plantation on which they worked; they were pinned on to the lapels of their coats. They got off of the boat, and there they met another large crowd of negroes that had come in from the surrounding plantations, and there was the utmost good humor prevailing between the colored and the whites, both before the election and after the election on that day. It was universally remarked that the day of election in Yazoo City appeared more like a holiday than a day like that, an election-day.

I noticed that there were congratulations passed from the black people to the white people and from the white people to the black people upon the entire good feeling existing and the entire peace and harmony between the two races there.

Q. Did you make speeches at different points in the county before the election of 1875?—A. I do not think I made but one speech; yes, I made two speeches; both of these speeches were at Major Dougherty's place. At Avoca we organized a club called the Avoca club. Well, I did make speeches, too, but they were not to any colored audiences. I made a speech one night.

Q. When you spoke at Avoca were there a good many colored people present?—A. Yes, sir; men, women, and children. It was at nighttime, and there was no previous appointment. The owner of the plantation, Major Dougherty, first invited myself, Mr. Epperson, and Mr. Schofer to come down and talk to the negroes on the plantation and to those on the adjoining places, and I suppose there were seventy-five to one hundred negroes present. I do not remember now how many joined their club. I think there was one hundred and twenty-five altogether in the club—in that particular club.

Q. Of colored people?—A. Yes, sir. I know that no intimidation or influence—I mean to say no improper influence—was brought to bear upon them for the purpose of inducing them to join, except this, which was done afterwards: that Dougherty would give them a drink of whisky, and, as he would tell them, with the radical tax taken off, and he gave it to those who did not join, too.

Q. What was the character of the speeches made by yourself and others during the campaign of 1875?—A. As I said, I made but two, and they were entirely pacific and persuasive. There were no threats made whatever.

Q. And as far as you heard other speeches, what was the character of them?—A. I heard your speech and General Miles's speech at the elevator in 1875, and they were entirely conciliatory. It was a cotton-shed rather, near the elevator. I do not believe that I heard even a radical denounced by you except one; that was a Pearl River navigation man; I believe that was him.

Q. Who was that?—A. Warner, I think it was. I did not hear any personal denunciation. I heard the policy condemned, but that condemnation was as mild as a politician ordinarily expresses himself in a political speech.

By Mr. TELLER:

Q. That was by Colonel Singleton?—A. Yes, sir, and Mr. Miles; and there was another gentleman also, a Major Simms, who was with Colonel Singleton at the time. All of the speeches were of the same character. Indeed, I remember when you addressed yourself more particularly to the negroes that your expressions were extremely mild and kind. I remember you appealed to one particularly. I believe he had been the slave of your wife's father, and he was living down on the Yandell plantation, and I believe that negro in 1875, together with others, took occasion to come around to the stand and shook hands with you; those who had been acquainted with you before you came to Yazoo City during that year.

By Mr. SINGLETON:

Q. Did you make speeches in 1875 outside of the county of Yazoo?—A. I do not remember to have made one outside of the county of Yazoo in 1875. I was in Holmes County during the election; not on the day of

the election, but during the canvass of 1875. I do not remember very much about that, however, in 1875.

Q. From what you saw and from the part that you took in the canvass of 1875 in the county of Yazoo, and the election as it occurred, was it a peaceable, quiet canvass and election, or was it otherwise?—A. It was undoubtedly a peaceable, quiet, and fair election. There was, however, in Yazoo County during 1875 a good deal of disturbance, but not of a political nature.

Q. Not of a political nature?—A. Not of a political nature and not arising out of politics.

Q. Politically, then, everything was calm and everything moved on quietly?—A. Yes, sir.

Q. Can you state from your own knowledge, deduced from what you saw and heard, what the causes were for the change which occurred in the county of Yazoo during the year 1875 and continued during the year 1876?—A. Yes, sir; up to the election and canvass of 1875 a great many white people had never before registered and a good many of those who had registered at former elections had failed to vote.

Q. Was that in 1875?—A. Between 1868 and 1875.

Q. You are speaking of the whites now?—A. Yes, sir; the question is, can I explain the causes, in my opinion, why the vote was changed in 1875. Those who voted, with few exceptions, did not endeavor to exert any influence whatever upon the negro and those who belonged to the radical party, but they simply felt—of course I do not mean to say that all did so; there were a few men who always worked hard for the purpose of gaining a democratic majority, but a majority voted without saying anything about endeavoring to induce others to vote with them—but in 1875 they felt it was their duty to make an effort, as they had done in 1868, to get rid of the radical and carpet-bag government in the State of Mississippi. Every man turned about, and he exerted every possible influence that he had for the purpose of inducing the negro to vote with the democrats. That is one of the causes.

Q. Do you mean legitimate or other influences?—A. Yes, sir; every proper influence—legitimate influence; if I had meant otherwise I should have said force.

Q. Were there other causes conspiring there which you can explain?—A. Yes, sir; I think that in addition to that fact that the absence of Colonel Morgan, who was the leader of the radical party and who had autocratic power and control over the negroes of Yazoo County—that his absence, I say, is another cause for the democratic majority. His absence from the county was another cause, and then, too, I believe that the negroes when they come to vote became convinced of the fact that their interests, both industrially and politically, were identical with the white people of the South. I believe that they are now convinced of that fact; I believe that they have come to be convinced of the fact that the white people are necessary to them, and that they are necessary to the white people of the South.

Q. Does the union between them now seem to be cordial?—A. It does. It seems to be entirely cordial; indeed, I know it is.

Q. Has a better state of feeling of the white people toward the colored people supervened upon this union?—A. It has, unquestionably. There never was any personal animosity or personal ill-feeling by the white people against the colored people. A state of entire good feeling now exists between them. The negroes are better satisfied and so are the white people.

Q. Were you present at a barbecue which was given to the colored

people, a few days after the election in 1875, at the fair-grounds in Yazoo City?—A. I was.

Q. Will you please state what you witnessed on that occasion?—A. I saw, as I thought, about eight hundred or a thousand negroes present. I heard it estimated, however, at a much larger figure. Four or five or six hundred white people. The barbecue was given particularly to the negroes of the county. I saw the utmost good feeling manifested by the negroes toward the white people, and by the white people toward the negroes. I saw a table there abundantly loaded with meats. One table—indeed, there were four or five—one table set apart for the negroes and one for the white people; but after everybody had finished their dinners I saw a number of negroes taking off great hunks of meat. I heard the speeches of yourself and Colonel Lamar.

Q. Just describe them, so that it will be known what sort of speeches were made. I do not mean to give the substance of them, but the general character of them.—A. They were congratulatory and conciliatory, mild and pacific.

Q. Did the colored people seem to be happy and to be enjoying themselves?—A. They were, indeed; yes, sir, they cheered as frequently as the white people; they were as free and as unrestrained as the white people were, and seemed to be under no apprehension and under no fear from anybody. Indeed, the utmost good feeling prevailed everywhere.

Q. Did you take part in the canvass of 1876?—A. I did in the county of Holmes.

Q. Did you make speeches?—A. Yes, sir; I made speeches in Le Flore, Holmes, and Attala Counties in 1876.

Q. What was the character of the speeches which you made?—A. If you will let me, I will add to that that I also heard other gentlemen make speeches in those counties during that year. I heard no threatening speeches at all in either county. The utmost threat that I have heard ever uttered in either of those counties that year was this, and it proceeded from this cause: a great many negroes, especially at Holmes County—and, indeed, I never heard it spoken to negroes in any other county than Holmes—had joined the democratic party; and generally the better class of negroes had joined it; and public speakers—indeed, I have said so myself—would tell those that did not join that they were very anxious for them to come in; that they would be mighty sorry when we had carried the election; that enough of the sensible colored people and the proper thinking colored people had joined the democratic party to enable us to carry the election; that their union, so far as our political success was concerned, was a matter of indifference to us, but that we desired to see them come in simply on their own account.

Q. Were you at Lexington on the day of that public speaking there, when the candidate for Congress was present?—A. Yes, sir; I was at Lexington, Holmes County.

Q. Will you be so kind as to describe the scene that occurred there that day?—A. Yes, sir.

Q. Describe it as you witnessed it and tell about the procession, where it formed, and where it met the candidate, and so on.—A. I had just gotten back from Yazoo City about four o'clock the night before. I was the officer of a company there, and I rode down town the next morning about nine o'clock. There I found a company of some twenty-five or thirty negroes, I should say, and thirty or forty white men, with red shirts on, and with a flag, and all mounted. It was a United States flag. We rode out, understanding that you were to come to Lexington by the way

of Goodman. We rode out in the direction of Goodman to meet you. On our way, about a mile from town, we met two clubs coming in, one, I believe, from Franklin, and another, I think, from Ebenezer. In each of these companies there were some twenty or twenty-five, or maybe forty negroes. That I cannot tell precisely, for I did not count them. In addition to that, we met a number of negroes going in the town, who did not belong to any democratic clubs that I know of, and some would say, "Well, we are going out to meet Colonel Singleton; fall into the procession and come and go out to meet him." They would laughingly fall in and go out to meet him. He came back with the guns, and with a club from Tchula and from various places in the county. The whole procession when formed, I suppose, fully one-third of them were negroes. I do not know how many people were present that day, some say a thousand, and some say more; I do not think so many as a thousand; I do not think more than a thousand, rather.

Q. Was there harmony and good feeling between the races there on that occasion?—A. The utmost harmony and good feeling; the only unkind word that I heard was a frequent interruption, by a negro, of yourself, who endeavored to get you to explain the rascalities of the carpet-baggers and how they had deceived the negro.

Q. Did you attend any other meeting in Holmes County?—A. Yes, sir; I was at Bee Lake a few days after that; two days, I believe, after that.

Q. Was there a large collection of people there?—A. There was a large collection both of negroes and of white men.

Q. How many colored men do you think were there?—A. I really do not know; I suppose six or seven hundred. I know in one club particularly, on a plantation named Marcella, belonging to Mr. Richardson, that there is a club composed exclusively of and officered by colored men, numbering, as I understand, forty-five members.

Q. On one plantation?—A. On one plantation.

Q. Were the colored people in the procession on the day of the meeting at Bee Lake in large numbers?—A. Yes, sir; they were in large numbers.

Q. Were they largely in excess of the white people?—A. I think so.

Q. Were they enthusiastic?—A. They were equally as enthusiastic as the white people, and equally as unrestrained, and equally as free in their conduct. I did not see any difficulty there that day except between two white democrats—and that was not a difficulty. They were both drunk; they did not interfere with any negroes.

Q. Do you recollect whether there was a colored man who addressed the crowd there?—A. There was a colored man who introduced you. His name was J. G. Marshall.

Q. What was the character of his speech; did he urge them to unite with the democratic party?—A. Yes, sir; he expressed his own conviction that it was the duty of the colored men to join themselves with the southern white people, and no longer to be misled by the carpet-baggers of the South.

Q. Had he been a republican?—A. He had himself been a republican. I am not certain that he was ever nominated by a republican convention for the legislature; my impression is, however, that in 1873 he was a candidate. I assert, however, that he placed his name in nomination before the convention. I have heard him make radical speeches. I know from what he has said, and his frequent expressions, that he was a leading radical, and a very intelligent one.

Q. I will just ask you this general question: We are traveling over

pretty much the same ground. From all that you saw and heard in the counties that you canvassed last summer, and in the election of 1876, was there a full, free, and fair election?—A. I do believe so; I think so; indeed, I think that I may safely assert—indeed, I will assert—in Holmes County that there was a free, fair, and full election, without intimidation and without fraud. I know it was so at the Lexington box where I was; indeed, I afforded two radical negroes an opportunity, who lived in my place, to vote the radical ticket, myself.

Q. Did you know of any one who undertook to intimidate or to defraud any colored man out of his vote at the election in 1876?—A. I do not. I saw no interference or interruption with the colored men except what was legitimately exercised under the registration election-law of the State. I saw two or three, may be a dozen, negroes at the Lexington precinct. I do not pretend to say how many; possibly as many as a dozen. They were not allowed to vote because they had not registered in that election-precinct, but it was early in the morning, and I saw white men, too, who were not allowed to vote, because they had not registered in that election-district. They were directed by the registrars where their voting-precinct was, and they could easily have reached the polling-place in their district, but whether they went there or not I don't know.

Q. Under the law they were required to vote in their own district?—A. Yes, sir; in the election-district where they lived and where they registered.

Q. Was there not in Holmes County a difficulty springing up between a Mr. Lee, a republican, and other members of that party, which gave great strength and success to the democratic party?—A. Yes, sir; I was not in Holmes County in 1875, and I only know of that from what the people of the county told me.

Mr. SINGLETON. Very well; I will not press that.

The WITNESS. That was in 1875, I believe.

Q. In the county of Holmes, as far as you witnessed the registration, was it fair?—A. I have never heard any complaint whatever of the registration in the county of Holmes, and I believe it to be entirely fair. I believe it to be entirely fair, not because I know that it was so, but because I have never heard of any complaint of it from any one. I know that the precinct at Lexington—there was the usual registration there and the usual number of voters.

Q. Was the vote of the county pretty well up to the vote that has been given heretofore?—A. Yes, sir. I know this, that just prior to the election I saw a great number of negroes registered at Lexington. Indeed, the registrar told me that the negroes were registering very freely and very fully. I never heard of any impediment whatever, and never heard of any complaint of the sort.

Q. I will ask you now whether you know that there was intimidation on the part of republican colored men toward democratic colored men in the county of Holmes?—A. I can only tell you of two instances; those I do not consider as acts of intimidation. I will tell you what they were, and you can take them for what they are worth. It was a mere personal difficulty—the first was.

Q. Did you understand my question?—A. I will tell you. It was a mere difficulty between two individuals, rather. One fellow said that he could whip any damn black son of a bitch that wore a red shirt, and a negro man knocked him down.

Q. Who was it who wore the red shirt?—A. It was a negro democrat. The democratic negro hauled back and knocked him down. That was

the end of that intimidation. I know this further fact, that a great many colored men have told me, and other reliable white men have told me that negroes have made the same statements to them, that a great many colored men would have joined the democratic clubs openly and publicly but for the fear of raising a disturbance between themselves and their families, and of being censured and condemned by and turned out of their various churches. Those reasons they have given for not openly and publicly joining the democratic clubs, at the same time asserting that they would vote the democratic ticket. I saw on Thursday of the week preceding the election, while the court was in session at Lexington, a club of about one hundred or one hundred and fifty men galloping into the public square. Some of them were armed—some with pistols, the officers with swords. They had a Hayes and Wheeler flag, and they galloped three or four times around the court-house yard; and democratic negroes were then registering. I will mention, they yelled and shouted and whooped so that the court was compelled to adjourn. After they had galloped around for three or four times they dismounted and formed into line. I do not know what their purpose was. They did not come there to register, because the registrars had been around in their precincts already. It did not have the effect, however, of intimidating anybody. With those three exceptions, I do not know of any intimidation by democrats or radicals. There was, of course, personal difficulties between white men and negroes; I mean to say individual contests between white men and negroes. I do not know of any contests growing out of political causes; as many negroes killed white men as white men killed negroes.

Q. If there is anything else you know which would throw light upon this subject—you are an intelligent man—please state them. I may have omitted to ask you some questions.—A. Yes, sir. I was requested by Mr. Money to make an explanation of the reason why no State school-tax was levied. The constitution of 1869 provided that forfeitures and the revenues arising from privilege tax and licenses of all kinds——

By Mr. TELLER:

Q. What is that?—A. The privileges arising from the licenses of liquor-stores and practicing law, and all fines, forfeitures, and penalties. I have forgotten the various forms of funds provided by the constitution for school purposes. The constitution provided that the principal of that fund should be invested in some sort of securities, and that the interest only should be applied for common-school purposes. At the election of 1875 a constitutional amendment was adopted which provided that all of these various sums of money should be paid in currency, and that the principal should be divided pro rata among the various counties, and if defective, that those counties should make up the deficit by levying a tax sufficient to cover the necessary amount. For that reason there is now no State tax for school purposes.

By Mr. SINGLETON:

Q. Is that all you think of?—A. Yes, sir, I don't think of anything more; I prefer to be questioned.

Q. I don't recollect anything else myself at present. Perhaps other points may be suggested. I might ask you a question or two in reference to whether you were in Yazoo County when the difficulty occurred in the hall.—A. Yes, sir.

Q. Do you know how many white persons were present?—A. I was not in the hall; I do not know personally; the house in which I live is just across from Dr. Moore's. The first I knew of it he came to his home,

shot in the shoulder; he is a democrat; he told me afterward that there were not more than ten or fifteen persons in the hall.

Q. White persons, you mean?—A. Yes, sir; that is my recollection of what he told me; that was the common understanding. It is further the common understanding that but four or five of those who were there were armed.

Q. Do you know whether they were invited there to attend that meeting?—A. I do not know; I have understood that they were; I have understood that Dixon and some others were invited by Mitchell, who was killed.

Q. You were not present when it occurred?—A. I was not there. I was down town a very few minutes afterward.

By Mr. TELLER:

Q. Are you a native of Mississippi?—A. I am.

Q. You were in the late war?—A. I was.

Q. On which side?—A. I was in the Confederate army, under General Forrest part of the time.

Q. How long were you in the army?—A. I went in the army, I believe, in November, 1863.

Q. What section of the country were you in during the war?—A. I was in the western army.

Q. Were you at Fort Pillow?—A. No, sir.

Q. Where were you when that took place?

The WITNESS. What time was that?

Mr. TELLER. I could not tell you what time it was exactly. If you do not recollect, it makes no difference.—A. I will tell you where I think we were. Our regiment was captured at Vicksburgh, and we were sent to Parol Camp, at Enterprise, Miss. I do not think that the regiment—that an exchange had been made at the time; I may be mistaken about that.

Q. You know whether you were at Pillow or not?—A. Yes, sir, certainly; I am very certain I was not there.

Q. You say that you took part in the campaign of 1875, in Yazoo County?—A. Yes, sir.

Q. You never heard of any violence during the season, except what you have mentioned as taking place at Yazoo?

The WITNESS. I must understand of what nature.

Mr. TELLER. Political; occurring out of political matters.—A. I do not know of any violence growing out of political matters in Yazoo County in 1875. I do know——

By Mr. SINGLETON:

Q. You mean other than that matter at the hall?—A. Yes, sir; other than that, was the question. I have heard of a good many acts of violence, but I have not heard that they were of a political nature.

By Mr. TELLER:

Q. Did you hear of anybody being killed during that canvass or campaign of 1875, in that county?—A. Yes, sir.

Q. What were they, whites or blacks?—A. The first man, I believe, that was killed, was a black man; he was hung.

Q. Hung by a mob?—A. He was hung by a mob, among whom were the circuit clerk and chancery clerk of the county, both of whom were radicals. The mob broke open the jail and took him out and hung him.

Q. What was he hung for?—A. Some act of rape, I believe, that was committed. It was charged against him.

Q. Any other acts of violence?—A. Yes, sir; I have heard that a negro——

Q. You say that this man was hung by negroes and whites together?—A. Negroes and republicans.

Q. They took him out and hung him?—A. Yes, sir; I saw them break into the jail myself. He committed the rape on two little white girls. I think Colonel Morgan was in the court-house at the time. I am not certain; I did not see the hanging; I saw no white men there.

Q. Go on with the next.—A. Do you want me to give you all the instances of killing in Yazoo County?

Mr. TELLER. During that immediate season I would like it. There cannot have been a great many, I suppose?—A. There were a good many. The first killing in Yazoo, I believe, in 1875, was in May, I think; one white man was killed by another; but that was purely a personal difficulty. Rose at the time was acting as deputy sheriff, or had been. I understood that he had been, and I thought he was then a deputy sheriff of Colonel Morgan.

Q. That was the second?—A. Yes, sir; that was the second. Well, then, the next in point of time, I believe, was the hanging of this negro in August, for rape. The next that I heard of was the hanging of a negro by the name of Horace Hammond.

Q. What was he hung for?—A. I understood that he had attempted to assassinate a man; had lain in ambush for him, and that he was hung.

Q. By whom?—A. That he had made constant threats to kill a man on sight that he had a difficulty with, I believe, two or three years prior to that time.

Q. By whom was he hung?—A. I do not know by whom he was hung; I have heard some people say he was hung by negroes, and I have heard other people say that he was hung by Dixon.

Q. Was Dixon the man he had quarreled with?—A. Yes, sir; he had a quarrel with him two or three years before that, and my understanding is that eighteen months previous to that time the negro had lain in ambush for him, and Dixon rode upon him in the ambush. They had some difficulty about the working of Dixon's plantation.

Q. All these difficulties had occurred some time before? Had there been any recent trouble between them—that is, before the hanging—or was it this same matter?—A. I understand that the negro had lain in ambush for Dixon a second time, just the night previous to the hanging.

Q. What Dixon was this? The man who commanded these troops?—A. Yes, sir; H. M. Dixon. I have heard this fact.

Q. About what time was he hung?—A. I believe it was in September.

Q. You do not know who hung him?—A. O, certainly not; I know nothing about it. I have heard different reports about it. I have never heard Dixon say anything about it. I have heard that the negroes hung him, and I have heard that Dixon hung him.

Q. Go on with the next.—A. The next killing was the killing of a negro woman, who was the wife of a man by the name of Joe White, by a negro named either Taylor Augustus or Albert Augustus, I don't know which.

Q. Killed by a negro?—A. Yes. I wish you to understand that I speak of these things from hearsay, and not from knowledge. I make the general remark, so as to prevent a repetition of it. My understanding of the killing of the woman by these men——

By Mr. SINGLETON:

Q. It was a colored woman killed by colored men?—A. Yes, sir. It was that a man was endeavoring to kill the husband of the woman at the time, and she happened to step in the way just at the time of the firing of the gun, and she, instead of her husband, was shot and killed.

By Mr. TELLER:

Q. That was by the colored people themselves?—A. Yes, sir.

Q. Go on.—A. The next killing was the hanging of this man who had killed the woman.

Q. Was that a judicial hanging, or what?—A. Done by a mob, I understood.

Q. Of colored people?—A. I understood so; yes, sir.

Q. What next?—A. I don't know that I can give them in order of time; but another one I remember was—well, I have mentioned the fact of Dick Mitchell being killed on the 1st of September.

Q. That was at the row in the court-house?—A. That was the riot in the city-hall, or Wilson Hall, rather.

Q. He was a white man?—A. He was a white man. There was also, as I understand, a negro killed below Satartia. My understanding is that the negroes on a plantation belonging, I believe, to Mr. Ewing had collected there in some considerable numbers, and had threatened to go into Satartia and burn it up; and I believe four white men went down into the place to inquire into the matter. A Mr. Rose was one whom I knew had been a former deputy of Colonel Morgan. I don't know that he was then acting as such. Mr. Montgomery was another, I believe, who had been deputy. He had been acting as a deputy there. Dr. Mayhew was the third one. They were approaching the quarters on this plantation, and the negroes were secreted behind the fences, and they fired upon these men without any warning and without any immediate provocation or cause. One of the gentlemen, Mr. Montgomery, I believe, had his clothes riddled; and Rose was shot in the arm with I don't know how many buck-shot. Rose himself said that he fired upon this negro, and the negro jumped over the bank of the river. He thinks he shot him; claims that he did so. Rose himself subsequently died. Mayhew was wounded in the arm. There was a killing on Silver Creek by a man by the name of William Thomas—assassination, I believe it was called.

Q. A white man or black?—A. A negro killed a negro. I further understand that a negro by the name of Patterson had given this man Thomas fifty dollars and two brass rings and a silver watch to assassinate him.

Q. To assassinate the other negro?—A. Yes, sir; the other negro. Patterson was hung by a mob after having paid to the negro, I believe, the money he had promised to give him. The man William Thomas was sent to the penitentiary for life at the last circuit court.

Q. The man who had done the killing was sent to the penitentiary?—A. Yes, sir; he was sent to the penitentiary for life.

Q. Were they white or black?—A. They were all black. He was hung by a white mob, I understand, and some negroes, but the further understanding is that, prior to the hanging, the question was submitted exclusively to the negroes, and they said, "Hang him." They said, "Hang Patterson." Patterson had been a member, I believe, indeed he was then a member, of the legislature.

Q. He was the man who was charged with hiring the killing of the other?—A. Yes, sir; I understand—I may be incorrect about that—that he stated that fact.

Q. He himself stated it?—A. Yes, sir.

Q. He admitted it?—A. Yes, sir; I am not sure about that, however. I heard that he paid to the negro fifty dollars before he was hung—just before he was hung.

Q. Are there any others?—A. Yes, sir.

Mr. TELLER. I think they needed a sheriff down there.

The WITNESS. They have a good one now. A negro by the name of Bunk Reditt, and a fellow by the name of—I do not remember his name that was killed. Bunk Reditt did the actual killing of the negro in 1875, I believe, but escaped.

Q. Was he a white or black man?—A. Both black.

By Mr. MORGAN:

Q. Was it not Jacob Sidney?—A. I believe it was Jacob Sidney. I have understood that a man by the name of Calcott, who testified before the Senate investigating committee at Jackson, was an accomplice in that killing. I don't know whether it is so or not. I further understood that another negro, by the name of Fields, was hung in Yazoo County in 1875.

By Mr. TELLER:

Q. By whom was he hung?—A. I understood that he was hung by white people.

Q. What was he accused of?—A. He was accused of threatening to attack them.

Q. Of threatening to attack white people?—A. Yes, sir; and to shoot them.

By Mr. SINGLETON:

Q. Was he the man who shot at the man passing through the field from the ambush?—A. I do not know. That was in Holmes County.

By Mr. TELLER:

Q. What did you say this last man's name was?—A. Fields, I understood. I understood that he was hung by white men.

Q. Do you know whether he held any position before he was hung?—A. I do not think he did.

Q. You do not know whether he was chairman of a republican club?—A. I do not.

Q. You do not know anything about him?—A. I never heard of him till he was hung.

Q. Have you gone through all of these cases now?—A. There may be others, and I am of the impression that there were others, but I don't recall them just now.

Q. You stated there were a good many cases of violence, but not growing out of politics?—A. Yes, sir.

Q. As many niggers killed white men as white men killed niggers, you stated?—A. Yes, sir.

Q. You have not mentioned any negroes killing white men, yet. Can you think of any?—A. Yes, sir.

Q. You have not mentioned any in this list.—A. I told you of instances; I didn't say that as many negroes killed white men in 1875.

Q. You mean as a general run.—A. As a general run; yes, sir. I can tell you of two instances that have occurred during the present year, 1876; and of one attempt; and I do not remember a single instance——

Q. Did they grow out of politics?—A. No, sir.

Q. Neither of them?—A. No, sir. I say two instances in 1876. I

cannot do that. I heard of two instances in 1875, I think, and one instance in 1876.

Q. In Yazoo?—A. No, sir; in Holmes County.

Q. I was talking about Yazoo County. Then you do not know of any negroes killing white men during 1875 or 1876?—A. No, sir; I don't recollect.

Q. Except when Rose was shot?—A. No, sir; that is the only instance.

Q. You do not know who fired first there when Rose was shot?—A. My understanding was that Rose and Maybern, and Montgomery. I know nothing except from the report, of course.

Q. For what purpose was it reported these men had assembled?

The WITNESS. At which time?

Mr. TELLER. When Mr. Rose was killed.

A. It was reported and understood that they had assembled for the purpose of going into Satartia and burning it up; and the report came to Yazoo City the next morning that the negroes were assembled in very large numbers for the purpose of making an attack that night on Satartia.

Q. Did your troops go down there?—A. About twenty men went down.

Q. Troops from other sections also?—A. I was so informed; I saw these twenty men go.

Q. Did you find those negroes?—A. No, sir.

Q. You did not go?—A. No, sir.

Q. What troops were they?—A. Troops—I shall ask to recall that expression; I say that citizens from Yazoo County went there; there were no troops.

Q. But there were armed clubs, were they not?—A. They were men who volunteered to go down to defend the white people of Satartia; about twenty from there.

Q. Had they not been members of an organization of some kind previous to that?—A. All of those who went belonged to some kind of organization, but I don't think that all of them belonged to the same organization.

Q. They all belonged to some military or quasi-military organization?—A. They all, I believe, had belonged to different organizations that we had organized in Yazoo County for the purpose of protecting ourselves there.

Q. What time in 1875 did this occur when they went down there?—A. I don't remember whether it was in September or October. It was between the riot in Yazoo City and the election; that is as near as I can come to the time.

Q. Were there any republican speeches made in Yazoo County in 1875?—A. Yes, sir.

Q. Who made them?—A. I think Judge Niles made one; I think it was in 1875. I may be mistaken as to the time, but I think in August or July Niles was there at least. It might possibly have been in 1874, but my impression is that it was in 1875 that Niles and Warner——

By Mr. MORGAN:

Q. That was prior to the opening of the canvass?—A. I speak of the whole year; I do not speak of any particular period of time.

By Mr. TELLER:

Q. During the canvass, after the nominations were made for treas-

urer on the different tickets, were any republican speeches made?—A. I heard of none. I do not believe any were made.

Q. Were any republican clubs organized in that time?—A. I heard of none; I heard of negroes calling—I did not understand that they were organized as clubs for the purpose of carrying on the political canvass; I heard that they organized in armed bodies for the purpose of going to Yazoo County.

Q. For the purpose of burning up the city?—A. Yes, sir.

Q. That turned out not to be true?—A. Yes, sir; they could not have done it.

Q. Why could they not have done it?—A. Because we would not allow them to do it.

Q. What is the population of the city?—A. It is about 2,100.

Q. Mostly white?—A. I believe there is—yes, sir, there is a white majority there; I think not very large, however.

Q. How often did you hear that rumor that they were going to march on to Yazoo?—A. I heard it every day or two.

Q. During the whole campaign?—A. No, sir; for about two weeks.

Q. Was that after the killing of this man Mitchell?—A. Yes, sir; it all grew out of the riot.

Q. Do you know by whom Mitchell was killed?—A. I do not.

Q. Do you suppose he was killed by a white man or a negro?—A. It was rumored—there is one rumor that Dixon killed him, and another rumor that Alder killed him; I don't know who killed him.

Q. It is supposed that he was killed by a white man, at all events?—A. Yes, sir; that was the supposition.

Q. By a democrat?—A. Yes, sir.

Q. And for that reason it was supposed they might march on to the town to take revenge, I suppose?

The WITNESS. Because Mitchell was killed?

Mr. TELLER. Yes.

A. No, sir; it was not.

Q. What was the cause of complaint which would induce the negroes to do that? What were the negroes complaining of?—A. I never heard them make any complaint at all.

Q. What reason had the people to suppose they would march on the town and burn it; because some white men had been killed by some other white men?—A. I will tell you what I think; I will tell you what was the general impression in Yazoo City at that time. It was known that Colonel Morgan had absolute and positive control and power over the negroes. It was believed that the negroes thought Colonel Morgan had been very greatly wronged, and for that reason they would seek to do some injury to these people whom they imagined had wronged them.

Q. What cause of complaint had Colonel Morgan?—A. I do not know.

Q. What cause of complaint did the negroes allege they had, or that they had on his account?—A. I have not heard the negroes say anything about it at all.

Mr. TELLER. It is rather remarkable that if you never heard any complaint made at all——

The WITNESS. From the negroes?

Mr. TELLER. From anybody. You do not seem to know that there was any cause of complaint. There must have been some reason for supposing the negroes were incensed.

The WITNESS. Precisely; because there had been a riot there; be-

cause Mitchell had been killed; because white men were engaged in it on the one side, and the negroes on the other.

Q. Were there any negroes engaged on the other side?—A. They were there in the hall, and one, as I understand, was shot. As I understood, he fired the first shot—a man by the name of Jim Clark.

Q. That was your understanding?—A. That was my understanding. I do not believe I ever heard it contradicted—he fired the first shot at Dixon; there was intense excitement.

Q. I am trying to get from you what cause of complaint Colonel Morgan, or his friends, white or black, had?—A. He had been shot at.

Q. In the melee?—A. Yes, sir.

Q. He was not hit?—A. No, sir.

Q. He had left the county?—A. He had not left the county at that time. He was still in Yazoo at that time.

Q. During all this excitement?—A. Yes, sir; he was there seven or eight days, as I understand. I do not know it to be so; I did not see him.

Q. You do not know whether he had left or not?—A. No, sir; I do not. I have understood, from a statement from himself, that he was there; not a personal statement but a statement in the newspaper that he was there.

Q. That he was concealed in the city?—A. I have understood so.

Q. He was not out publicly?—A. No, sir; he was not.

Q. Have you any idea where these stories originated about the marching on the town by the negroes?—A. When the difficulty first occurred I was not down town. I was at my house. I went down there and I found everybody in a high state of excitement, and they apprehended that the negroes that night would make an attack upon them; and it was an honest apprehension, too, upon their part; this was some ten or fifteen minutes after the riot occurred in the hall, and we at once proceeded to place guards on the street. Various rumors came into town that the negroes were coming into town for the purpose of destroying it. Colonel Morgan, I believe, was afraid to go on the streets.

Q. Who was he afraid of; negroes?—A. No, sir; not that I know of. I do not think he was afraid of the citizens generally. I think he was afraid of some one or two individuals.

Q. Had he had any hand in the shooting?—A. My recollection is that he fired. I believe that he did fire. My recollection is that he stated so in his statement. I may be incorrect about it. It has been some time since I read it—that he fired at Dixon—but I know that Dixon's coat was cut with a bullet, or what appeared to be a bullet. I don't know how often he fired.

Q. You do not know how long Morgan remained in Yazoo County?—A. Of my own knowledge I do not know.

Q. Do you know any reason why he left?—A. No, sir; I have an opinion.

Q. What is that?—A. As I said before, that he was afraid to go on the streets.

Q. You do not think there was any intention to drive him out of the country, or keep him away, or anything of that kind?—A. I do not know about that. I know they would have been very glad if he had gone away and staid away.

Q. When he went away was anything said about his coming back; was there any rumor that he was coming back?—A. There was a rumor that he was coming back with one or two companies of negro militia.

Q. What was done then?—A. I do not know how many men—some

men from Yazoo City and some men from the lower part of the county and some from the upper part of the county went out to Vaughn's Station.

Q. To meet him?—A. Yes, sir.

Q. And he did not come?—A. No, sir.

Q. You do not know whether he ever had any intention of coming?—A. I do not know.

Q. Do you recollect seeing in the Yazoo Democrat an account of the number who went?—A. Yes, sir.

Q. Do you suppose that to be about correct?—A. I do not remember now how many are said to have gone.

Q. It tells of the number of companies there?—A. I remember to have seen an account of the thing. The whole number was between eight and nine hundred men, all mounted and variously armed. I have no means of judging how many people went out there. I was not there myself. I saw maybe twenty-five, or thirty, or forty go from Yazoo City.

Q. You say that you think he staid seven or eight days?—A. Certainly you do not understand me as being accurate about that, for I do not know. I think this was about the middle of October.

Q. That he was supposed to be coming back?—A. Yes, sir; I am not positive; indeed, it may have been earlier than that. I am unable to state with accuracy, or, indeed, anything that approaches accuracy. It may have been possibly the latter part of September.

Q. Do you know when those military companies that are mentioned here were formed—the Dixon company and Taylor company?—A. I did not know that Dixon ever had a company.

Q. Captain Dixon's command it is called here.—A. Dixon was in Taylor's company. A part of Taylor's company were people of Yazoo City, and a part of the people were from the county. Dixon was one of those who belonged to the town, who belonged to the company. I know when the company in Yazoo City was formed.

Q. About when were they formed?—A. On the next morning after the riot. On the morning of the 2d of September two companies were formed—quasi companies. They were formed for the reason that I have stated, with about one hundred and sixty, or, may be, one hundred and seventy-five men in the two companies together. Two or three weeks after that these two companies were split up into four companies; about thirty-five or forty men apiece. I said a while ago that I thought it was in October when these men went to Vaughn's Station. I now think that it was in September, the latter part of September.

Q. Do you not know that there were some military companies organized before the 1st of September in the county?—A. My understanding was that Taylor had a company.

Q. Where was Taylor?—A. He lived about ten miles from Yazoo City.

Q. How many men did he have in his company?—A. I do not know; seventy-five, I suppose, or one hundred men.

Q. Mounted, or otherwise?—A. No, sir; they were mounted.

Q. Armed?—A. Yes, sir.

Q. For what purpose were they armed?—A. I do not know. The first that I ever saw of them was on the morning after the riot.

Q. At what point was Taylor's company formed?—A. I do not know that it was formed at any particular place.

Q. Where were their headquarters?—A. I do not know that, because it was formed of men living around and about the country; but I im-

agine that it was at some residence of the members of it. It might have been at cross-roads.

Q. What is the neighborhood where Taylor lives?—A. It is between Yazoo City and Satartia.

Q. Was there any town there?—A. Not that I know of.

Q. Is the country thickly settled?—A. I have never been in that part of the county where Captain Taylor lives.

Q. How is the county settled with reference to the number of whites? Is it sparsely settled as far as whites are concerned?—A. Yes, sir.

Q. The whites live mostly in towns?—A. O, no, sir; mostly in the country.

Q. Upon these farms these country people live that you speak of?—A. Yes, sir.

Q. Large or small farms?—A. On the river-bottom they are usually large, and some places in the country are large. But very few people own small farms. The farms generally are large.

Q. This company could not have been formed for the purpose of protecting any town?—A. I do not know for what purpose it was formed.

Q. It would not have been of much use for the purpose of protecting settlers out there from any negro riot, would it?—A. I do not know what the cause of the formation of the company was.

Q. Would it be possible to assemble a company which could give any particular protection, if the negroes were disposed to make an attack on any settlement?—A. I do not know that it would have been possible to prevent the killing of any one particular individual. But it was possible to keep them from killing any number of people.

Q. Not if there was a rising of the blacks?—A. Yes, sir.

Q. How would it have been done? By assembling the whites together?—A. Yes, sir. We have no fears of the blacks rising as a mass against us.

Q. Then what was your apprehension?—A. Our apprehension is that there are sufficient bad and unscrupulous and desperate fellows among them to make an attack.

Q. You do not think that there is any great danger of their making an attack on a town of the size of Yazoo, do you?—A. I believe that they could be induced do it. I believe that they could be led on to an attack of that sort by a bold, bad man.

Q. Did you ever hear about anybody getting up any stories that they were going to burn the farm-houses around?—A. No, sir.

Q. That kind of a story never gets into circulation in your county?—A. I have heard that they were frequently burning gin-houses.

Q. That was not done by an organization, necessarily?—A. No, sir, only an isolated instance of incendiarism. They did not do it generally, for the reason that they have as much interest in the gin-houses as the farmers have.

Q. During the season of 1875, how often did these military companies go out on parade?—A. They never did that I know of, for the purpose of parading.

Q. Did you ever know of Dixon's company being out, or Taylor's company commanded by Dixon?

The WITNESS. For the purpose of parading?

Mr. TELLER. Yes, sir.

A. I have known them to go into the country, but I have never known them to go out simply for military drill.

Q. What would they go into the country for?—A. Allow me to ascertain more particularly what you mean by parades. Do you mean for the purpose of drilling?

Mr. TELLER. Yes, sir.

The WITNESS. They have never done so that I know of.

Q. Now you say that they went into the country?—A. Yes, sir. I knew a part of them on one occasion to go to Satartia at the time I have spoken of; some of them. I don't know whether all of them went or not. I know upon another occasion——

Q. Do you know how many went there?—A. About twenty or twenty-five went down.

Q. Do you know for what purpose they went?—A. As I stated before, they went down there to Satartia for the purpose of protecting—in consequence, rather, of the report which they had heard that the negroes were about to or had threatened to come into Satartia.

Q. Where from?—A. From the Ewing place; the crowd of negroes that I have spoken of who shot Rose.

Q. Did you ever know of the military company going out at any other time?—A. I have seen them riding out of town and have understood that on one occasion they went up to a plantation on the west bank of the Yazoo River, known as the Good Hope plantation.

Q. What did they do there?—A. They did not do anything at all.

Q. What was the object of going there, do you know?—A. I can only tell you from what I heard. What I heard was the common report. I think that some gentlemen from Yazoo City proposed to go out there to make a speech to the negroes on the Good Hope plantation. They were laying out there about two or three miles back of the river, I think, and a report come to Yazoo, whether it was true or not, that if any white man came there to make a speech they would kill him; that they would not allow any white man to come on the place to make a speech of any sort. A further report came into town that on the evening this man contemplated going out there the negroes had selected and prepared an ambuscade for him. On that occasion, Dixon, I believe, with about ten or fifteen men, rode out there and went on to the Good Hope plantation and turned around and came back to town. I understand that some negroes stated that when these ten or fifteen men passed along they were lying in ambush that night.

Q. You do not know whether this was so or not, I suppose?—A. I did not.

Q. Do you know where they went on those other occasions when you say they rode around?—A. I saw part of them go out to Vaughn's station at the time I mention.

Q. That was when they were out after Morgan?—A. Yes, sir.

Q. Do you know of any other occasions?—A. I don't believe I ever did see them ride out.

Q. From whom did all those reports come?—A. I have heard them from the white people of Yazoo City.

Q. Democrats?—A. Yes, sir.

Q. Did you ever take the pains to trace them up to see where they came from and to find if they were false?—A. No, sir.

Q. Did anybody that you know of?—A. I do not believe they ever did. We believed the reports at the time. We simply took the precaution.

Q. Do you keep up these military organizations?—A. No, sir; they were entirely disbanded after the——

Q. Were they kept up in Yazoo in 1876?—A. I think not.

Q. Is there not just as much necessity now as ever?—A. Because there is no apprehension of disturbances.

Q. Why not?—A. Because the negroes are entirely peaceable and quiet.

Q. They were not peaceable and quiet in 1875?—A. They were not.

Q. Were there any cases of violence except what you have mentioned?—A. There were threats of violence, as I have stated.

Q. Do you know whether there were any cases of violence?—A. I do not.

Q. Did you ever hear any negro make threats?—A. No, sir.

Q. Did you ever hear a negro make a threat against a white man?—A. I have heard of it.

Q. I ask you if you ever heard it?—A. I never heard it; no, sir.

Q. Do you think it would be safe for a negro to come into your town and make a threat of assassination or anything of that kind against a white man? Would it be safe for the negro?

The WITNESS. To make threats to the man himself?

Mr. TELLER. Yes, sir; or to any other white man.

A. He might say that he would kill a man.

Q. Would it be safe for him to say so?—A. No one else would hurt him except the man himself.

Q. There would be no attempt to hurt him or arrest him, you think?—A. No, sir,

Q. Suppose he came and said he would burn up the town?—A. He would be arrested.

Q. You think he would?—A. Yes, sir; I know of one instance, through a gentleman of undoubted veracity, who had a negro living on his place, two and a half miles from Yazoo City. He told me that the negro—I do not know whether he made it to him—had made threats against Yazoo City, and that he threatened to punish those negroes who refused to join him in the attempt to come into town and burn it. We heard reports of the sort frequently.

Q. You do not know whether the negro made it to that man who told you?—A. I do not; but I believed it then.

Q. Do you know whether he claimed that it was made to him?—A. No, sir; I do not know that he did.

Q. Did he give you the name of that negro?—A. He did.

Q. Has there been any effort to ferret it out?—A. He has left. I think he has left the county. We heard frequent reports of that sort and we believed them to be true. Whether it was true or not I do not know.

Q. Did you ever hear them up to 1875?—A. Yes, I did.

Q. How often before 1875?

WITNESS. You speak of Yazoo County particularly?

Mr. TELLER. Yes, or any other part; I do not care where.—A. I heard in 1875, in the county of Holmes, from very good authority, that the negroes made——

Q. This was before 1875, you say?—A. No, sir; it was in 1875, before this transaction in Yazoo County. I believe it was before that transaction—before the riot in Yazoo County. It was upon the occasion of two negro men, one named Hill and the other whose name I have forgotten—he was killed by Mills and Lee, two white men. It has been testified to here by Mr. Wilson. I have heard numbers of men say in Lexington that a few days after the killing the negroes, in a solid body, marched down to the southern part of the town, just to the southern bank of a creek about two miles from the town, or half a mile from the town, with the declared intent and purpose of burning Lexington.

Q. In the day-time?—A. In the night-time; and that some of the citizens went down there and persuaded them to disband and to go home.

Q. Do you believe that?—A. I do.

Q. Was it not rather a singular way for them to come to burn the town? Do you know whether they were armed or not?—A. I do not. I will give you two other instances.

Q. That was a quarrel among republicans, was it not?—A. It was.

Q. Why should they want to burn Lexington when it was a quarrel among themselves?—A. I do not know. It seemed unreasonable.

Mr. TELLER. It does to me too.

The WITNESS. That is the report. I did not know it personally.

Q. I ask you if you think it is true?—A. I believed the report was true.

Q. You believe they met there?—A. Yes, sir. I believe they met there, expressing their intent to commit that act.

Q. It was kind of them, at least, to give the people notice that they were going to do it. That is a new method of incendiarism. You say you can give two other instances. When were those?—A. About the same time; the same night and, I believe, the next day.

Q. What was it?—A. A body of negroes, I have heard estimated from two hundred and fifty to three hundred, early one morning—early the next morning——

Q. After this Mills and Lee affair?—A. Yes, sir. They came within a mile of Lexington, on the northwest side, with the express intention to burn the town. The citizens of the town knew that fact, and they went out to them and told them that they could not come into Lexington unless they came in there peaceably and quietly; that if they did that they had no objection to their coming in, but that they could not come in there either to mob anybody or to hang anybody. The negroes, after some persuasion and talk, finally said that they would do no harm to any white man in Lexington. Those white men were armed.

Q. Who in particular were they after?—A. They were after Lee and Mills.

Q. They were both republicans?—A. Upon your calling my attention to that fact, their expressions were these: that they were going to Lexington to hang Lee and Mills, and if interfered with and prevented they would burn the town.

Q. That was the statement of the other party, was it not?—A. I speak of both parties. I desire to add that to my first statement.

Q. Where was the other one?—A. The third one is about the same matter, only a different day, where the negroes were collected in Lexington, actually upon the square in Lexington.

Q. The authority was the same?—A. Yes, sir.

Q. That they were coming to hang Mills and Lee?—A. Yes, sir; and if prevented or interfered with they were going to burn the town.

Q. There was no possibility of their being prevented, was there?—A. Yes, sir. In addition to that they threatened to hang Booker, who was the deputy sheriff there, and who was a friend of Lee and Mills.

Q. Who would have interfered to prevent them from hanging Mills and Lee?—A. The citizens of Lexington.

Q. Democrats and republicans?—A. Yes, sir.

Q. I rather think that they would have been pleased to see them hung, would they not?—A. If they had hung Lee and Mills—they were better men than Holmes; and that would have left Holmes on our hands.

Q. Then really the people wanted to keep them?—A. I was not in the county.

Q. You did not know anything about it?—A. No, sir.

Q. These are the only instances in which there was even a threat

made in all the time you have lived in Mississippi?—A. No, sir; it is not, by any means.

Q. And these were simply reported to you; you did not know of them?—A. No, sir; I did not know of them. They are not all the instances in which I know of negroes threatening to do violence to white people.

Q. I ask about their coming in and burning towns?—A. So far as burning towns, yes, sir; those were the only instances. Well, I believe in 1869—however, I won't go back that far.

Q. Yes, you may if you choose to.—A. Very well. I understood that a party of negroes were going to Greenwood for the purpose of actually burning the town.

Q. They came into the town?—A. Yes, sir.

Q. They did not burn it?—A. No, sir; they did not.

Q. Were they driven out?—A. As they rode through town in a body, they threatened to come back and burn it.

Q. You do not think that there is much danger of the negroes doing these things in the South, do you?—A. I think, under some circumstances, that they might do it; they might attempt to do it. I do not think that they can do it.

Q. Under what circumstances?—A. Well, I think if their feelings are very highly wrought up, by making them believe that they have suffered very great wrongs, and are still suffering very great wrongs, and upon any little excitement—the killing of a nigger by a white man—I believe that some of them—not the mass, by any means—I believe you could find some considerable number who would join in a thing of that sort. The negro, as a general thing, is quiet and peaceable, and not vindictive.

Q. Were you in the confederate army?—A. Yes, sir.

Q. During the war, what proportion of the white males were left in that portion of Mississippi where you reside?—A. O, very few. I don't know the proportion.

Q. You can guess very near. I suppose you can tell whether there was almost an entire draining of the able-bodied male population?—A. There was unquestionably.

Q. And that section of the country was left in charge of the women and children and negroes?—A. Yes, sir; and they took good care of them.

Q. Was there any trouble?—A. None whatever; they were as faithful as could be.

Q. Was not that true all over the South?—A. Yes, sir; they were as faithful as they could be.

Q. Now, you say, there is remarkable good feeling between the whites and the negroes in your section?—A. Yes, sir.

Q. And there was during the war, right along?—A. Indeed there was; yes, sir.

Q. And there is now, since the negroes have gone to voting the democratic ticket?—A. There is. There has been a good feeling existing between the negro and the white man in every possible respect except during political canvasses; and even then the white man has had no ill-feeling towards negroes. They have been told that they would be put back into slavery.

Q. Did you ever hear anybody tell negroes that?—A. I have heard of it; it is such a common report that I believe it to be true.

Q. You have heard republican speeches made there?—A. Yes, sir.

Q. Did you ever hear a republican speaker make that statement?—

A. I cannot state with positiveness. I have heard the thing so frequently, I have heard the reports so frequently, or I have heard of it, rather, so frequently that I do not know whether I have actually heard it, or whether I have simply heard it from report; my impression is, though, and my recollection and belief——

Q. You do not remember ever having heard it?—A. I could not name a person; my recollection is not sufficiently distinct for that.

Q. Suppose the negroes should turn around and vote as they did in 1872—vote the republican ticket by a very large majority, as they did in your county in 1872—giving a majority equal then to what your party has now, how would the feeling be?—A. It would be entirely friendly.

Q. Just as it is now?—A. In all their personal relations, I have never known any difference to exist between a white man and negro on account of their politics.

Q. You have never known of their being turned off?—A. I never have; I do not believe any considerable number of men have ever turned them off, and I do not believe any sensible man would do it.

Q. You have heard such threats, have you not?—A. I have heard in some portions of Eastern Mississippi that such threats have been made. I have never heard of such a threat made in Yazoo County or in Holmes County since 1868 or 1869.

Q. Since the republican party ceased to have any representatives, or to get up any tickets, all the officers elected have been whites in this section?—A. Yes, sir; just as they were colored before.

Q. Were they not mixed before, some white and some colored, in Yazoo?—A. Yes, sir. Let me see: there was Foote, a negro, in the circuit clerk's office; Dixon, a negro, in the chancery clerk's office; Huston Burrus, a negro, as treasurer, and Robert Buckley, as coroner. Colonel Morgan, I believe, was the only white man holding office pertaining to the courts of the county. All those holding office were negroes except Colonel Morgan. Patterson was a member of the legislature, and he was a negro.

Q. What do you understand by "the white line" that was advocated in the papers of Mississippi?—A. I will answer your question. That has never been practiced for a man really to know what it does mean; but the understanding generally is that the white line was the election of white people.

Q. Did it include anything else in it?—A. No, sir; I never heard that it did.

Q. Do you know how the democratic papers in Yazoo stood in reference to the white line?—A. I believe that one of them was the Yazoo Banner. I do not remember how the Herald was; I am rather inclined to think the Herald was not in favor of the white line.

Q. Do you know how they have been upon the question of employing men who voted the republican ticket, or what recommendations they made?—A. No, sir; I have never heard anything from the papers on that question at all.

Q. Do you know of any clubs in Yazoo County pledging themselves not to employ men who voted the republican ticket?—A. No, sir; I do not know that I have ever heard of them. I know, indeed, so far as the people in the country are concerned, that in the employment of negroes they never think of inquiring into the negroes' politics; it is a matter of indifference to them whether he is a radical or democrat, so far as employment is concerned to work upon a farm. They simply look upon his capacity to do the work.

Q. You said in Holmes County. Do you know whether any clubs

passed any such resolutions?—A. I do not know; I never heard of it; I know that if they passed any such resolutions, they never have done any such thing there. The farmers in the country very seldom speak to their negroes upon the plantations about politics.

By Mr. MORGAN:

Q. You are only recently a resident in Yazoo, I believe?—A. Yes, sir, in April, 1876.

Q. You came to Yazoo prior to April, 1876?—A. Yes, sir; I understood you to say that I have recently removed from Yazoo. I went to Yazoo City in November, 1873.

Q. Will you state whether or not you recollect of the democratic party in Yazoo County in the canvass of 1873 advocating the propriety and the wisdom of nominating exclusively freedmen for office as against the republicans?—A. I was not there during the canvass in Yazoo County; I came there on the seventh day of November, 1873, after the election.

Q. Do you know anything of the sentiment of the white democrats as to whether or not, at that time and for a few years prior to that time, they have not been advocating in their party ranks the wisdom of nominating for office in those largely colored counties exclusively freedmen, in order to defeat and drive out what they term the carpet-baggers?—A. No, sir.

Q. Will you read the article here, clipped from a paper, and see if you will not recognize in it a very common sentiment among the democrats not only of Yazoo County but of Holmes, and that whole section of country known as the Black Belt? Here is an article entitled, "Freedmen for office in preference to carpet-baggers."

Mr. TELLER. What is it from?

Mr. MORGAN. It is from the Yazoo Banner, clipped from the Jackson Clarion. It was also copied into the Vicksburgh Herald; all of which are democratic papers.

[The following is a copy of the article:]

FREEDMEN FOR OFFICE IN PREFERENCE TO CARPET-BAGGERS.

We indorse the following, from the Clarion:

"That our resident whites will infinitely prefer to take any sort of service with the freedman and trust to his characteristic disposition to be guided by superior intelligence, than with 'the scamps and thieves who have floated down the Mississippi and squatted on the offices,' described by the leading radical editor, we all know. Where the alternatives of a choice are presented (and they indubitably will in some localities) for office at the approaching election between honest and well-meaning freedmen, however illiterate they may be, and this 'pilfering and speculating' tribe of carpet-baggers, we shall certainly advise all men to unite in electing the former. And so we unmeasurably prefer the freedmen as jurors to this class of interlopers as incumbents of the offices.

"To sum up the whole, let our people all unite in turning this innovation to the best account. Our meaning cannot be misunderstood. The opportunity must not be trifled away."

Q. Do you or not know that the sentiment expressed in this article is not, and was not in 1873, prevalent throughout that section of the country?—A. I never heard it discussed. If it was the only alternative, I expect, possibly, it would be preferable to the people of the State.

Q. You have stated that the offices of treasurer, circuit-clerk, chancery-clerk, and coroner of Yazoo County were filled by colored men?—A. Yes, sir.

Q. Who were the deputies of those colored men? What class of men were they?—A. They were all very good men. Mr. R. D. Smith was the deputy of the circuit-clerk, Mr. Nat. Pugh was the deputy of the chancery clerk. I do not think that Houston Burrus had any deputy.

Q. Do you remember what Mr. Russell was?—A. He was acting as clerk. I do not think the law provides for any deputy.

Q. Were those deputies not able and competent men?—A. Entirely so. The deputy of the chancery-clerk is one of the best clerks in the State, I reckon, and I believe the deputy of the circuit-clerk gave the best satisfaction.

Q. Was the chancery-clerk not able, with the assistance of his deputy, Mr. Pugh, to always have the business of his court ready whenever the court sat?—A. Yes, sir; the business was excellently attended to.

Q. And was it not so with the circuit-clerk's office?—A. Yes, sir. I started to say that I had heard some complaint made about it, but that was after the clerk left.

Q. There was no great objection from the bar on account of the color of the clerks?—A. No, sir.

Q. The duties were well and thoroughly attended to?—A. They were; I do not suppose there was any better attended to chancery-clerk's office in the State of Mississippi.

Q. Now, as to these rumors which you have stated the white people of Yazoo City were constantly receiving immediately after the riot on the night of the first of September, of negroes coming to town to burn it, had you or not heard of similar reports prior to this time during the year 1874 or 1875?

The WITNESS. Of their coming to Yazoo City?

Mr. MORGAN. Yes, sir.

A. I have heard of negroes threatening violence to the people of Yazoo City once before.

Q. That is not my question.—A. I am not sure, but I do not think that I did. The only other possible occasion that could have given rise to such a report was soon after the Hilliard affair.

Q. Did you or not during the year 1874 or the year 1875, prior to the election in November, hear rumors of what were then styled negro insurrections to occur in Yazoo County?—A. The only rumor that I remember to have heard about a thing of that sort in connection with Yazoo City was the rumor that the negroes in Yazoo City and some from the surrounding country were coming to the jail to liberate Frank Stewart, and there may have been a rumor of their burning the town when you yourself were in jail; but I do not remember now what those were. There were various rumors in circulation, but to say that that distinct rumor was in circulation about burning the town I do not remember.

Q. Do you remember what are known as the Tunica riots?—A. I remember to have heard them spoken of.

Q. Do you remember any excitement in Yazoo City or Yazoo County on account of the Tunica riots in 1874?—A. Yes, sir; there was some excitement there at that time.

Q. That was late in 1874?—A. Yes, sir.

Q. Do you remember what was termed the peace-meeting, held by colored men and white men in the Freedmen's church in Yazoo City on that occasion?—A. I have no recollection of it.

Q. You have no recollection of colored men generally at that time publicly denouncing and denying any purpose or intention on their part to rise and kill off the white men, women, and children? Do you remember that that was charged?—A. No, sir; I do not remember it.

Q. You do not remember what was termed this peace-meeting, then?—A. No, sir; I do not.

Q. Do you remember any rumors of negro insurrections early in 1875?—A. I am unable to recollect any.

Q. Do you remember any reports of negro insurrections just prior to the riot on the night of the 1st of September in Yazoo City?—A. No, sir.

Q. You were present in Yazoo City during the whole of the years 1874-'75, were you not?—A. Except when absent in Holmes County for the purpose of attending court there; absences of very short intervals, however.

Q. Then you state that you do not recollect hearing during those years any reports of negro insurrection which produced the alarm?—A. If such reports existed, possibly if you recall my attention I might recollect them.

Q. But you do not recollect them now?—A. The only instance—there was an apprehended trouble from the negroes in 1874, at the time of the killing of Hilliard.

Q. We are speaking of negro insurrections?—A. No, sir; I never heard of any negro insurrections that I remember of in 1874; I do not remember of hearing of any negro insurrection in 1875.

Q. But you have stated that the cause of the arming in Yazoo City after the riot on the night of the first of September was on account of well-grounded fears of the white people that the colored people were to march on Yazoo City and burn it?—A. I say that the white people of Yazoo City armed themselves for the purpose of defending themselves and their homes and their wives and children against what they honestly believed to be a danger that existed.

Q. What was the danger?—A. Danger of the negroes coming into town, and of their burning the town, or attempting to do personal violence; to kill the people of the town.

Q. Had you heard those rumors yourself personally?—A. Yes, sir; I have heard them. I have even believed in them so fully that I know on one occasion a number of us—old man Mr. Barksdale took part in it. I remember on another occasion when the people so fully believed it that on one particular night the people volunteered—they were so worn out with watching—to watch all the streets of the town and patrol them more strictly. I remember to have done so myself. I remember that Dr. Moore was with me. He believed that they were going to set fire to the town.

Q. But prior to this time you had heard no rumors of it?—A. Prior to that time I had heard no rumors of any considerable number of negroes committing violence to any portion of the community that I now remember, since the time of killing of Hilliard in 1874. I heard of negroes then in the town making threats, and saw them endeavoring to rescue a man from the hands of an officer. There was excitement then and threats by them and apprehension on the part of the people that something would be done.

Q. Do you recollect at what time the democratic canvass in Yazoo in 1875 began. I mean the speech making?—A. No, sir; I do not.

Q. Will you recognize that as a democratic poster during that canvass? [Handing witness a poster.]—A. Yes, sir; I remember that Judge Hudson was posted to speak at La Celle shop.

Q. What is the date of that?—A. It is dated Saturday, the 16th.

Q. The 16th of what month?—A. It don't say what month.

Q. The 16th of October or September?—A. It does not say. It must have been later than that, I reckon.

Q. It was probably October.—A. I am inclined to think that it must have been October; I do not know.

Q. I see here that the first meeting is for Saturday the 16th; that it is called by the democratic executive committee. The next meeting is for Wednesday the 20th instant; the next is for Saturday the 23d instant; the next is for Wednesday the 27th instant; and the next for Saturday the 30th instant. You think that was during the month of October, do you not?—A. I do not know. It must have been in October, or September, possibly. I do not know. I am inclined to think that it was in September.

Q. Do you recollect the date of your nominations?—A. I do not.

Q. Were you present in the nominating convention?—A. Yes, sir; I was.

Q. I refer to the democratic nominating convention?—A. Yes, sir.

Q. Will you please state whether or not you recollect that one of the resolutions reported by the committee on resolutions was in favor of what was known as the white-line policy.

The WITNESS. Do you mean to say a resolution adopted?

Mr. MORGAN. I refer to one of the resolutions reported by the committee on resolutions.—A. My impression is that there was one resolution of that nature, but it was not adopted.

Q. But such a resolution was reported by the committee on resolutions to the convention?—A. I do not now remember the precise language of the resolution, or its meaning. If I were to see the resolution I might then remember, and answer more definitely.

Q. Do you recollect what disposition was made of the resolution?—A. My impression is that it was sent back to the committee, and the committee expunged it.

Q. Do you remember the vote in the convention upon that resolution?—A. The vote in the committee? I do not.

Q. I mean in the convention?—A. There was some discussion over the resolution, I think, but it was rejected. That is my impression. Indeed I feel pretty certain about it.

Q. Were you present in Yazoo City during the canvass for the charter election in Yazoo in the spring of 1875?—A. Yes, sir.

Q. Will you state whether or not you recollect that canvass was conducted upon the white-line policy by the democrats?—A. I do not know what you mean by the white-line policy.

Q. The policy of nominating and supporting exclusively white men for office?—A. I believe that every man who was elected in Yazoo City that year was a white man.

Q. At that election?—A. I think so. I do not remember that any of them were negroes.

Q. What was the object of these armed democratic companies on the occasion referred to, when they turned out to resist Governor Ames's militia coming into town?—A. Because they did not want the militia there.

Q. Why did they not want them there?—A. The people felt very certain that if that county was invaded by the negro militia there would be an inevitable conflict between the white people and the negroes.

Q. But was it not generally understood that the governor was to send militia of both races to Yazoo County?—A. No, sir.

Q. But they were known to be militia, regularly organized under the laws of the State?—A. There was some question about their regular organization, I believe. However, they were generally regarded as militia.

Q. And these people turned out with the intention of resisting that

force?—A. I do not know myself. That was my understanding of it, however. I do not think that had any influence on the election. They just did not want the county filled up with armed negroes, for they felt and believed that if they did come there, those negroes whom we had already understood to have threatened violence would be encouraged to do it and that the whole county would be thrown into a state of perfect lawlessness, and that there would be no safety whatever for life or for property.

Q. You have testified to the killing of a number of persons in Yazoo County during 1875, and to the hanging of one member of the legislature from that county, named Patterson?—A. I was not in the county at the time. I was in Holmes County attending court at the time that was done. I heard of it there.

Q. Were you present in Yazoo City during the trial of this man William Thomas, who was sent to the penitentiary?—A. I was not.

Q. Do you know anything of the testimony given on the trial?—A. No, sir.

Q. Patterson was hung.—A. Yes, sir; I so understood.

Q. Thomas was sent to the penitentiary for life?—A. Yes, sir.

Q. Thomas, you stated, confessed that Patterson had employed him?—A. Yes, sir; that was my understanding; that he confessed it at the time that he was arrested.

Q. What was Thomas's avocation?—A. I think he was a common laborer on Colonel Campbell's place.

Q. Why was Thomas protected and his life preserved and he permitted to be brought by the sheriff to the jail of Yazoo County without molestation, and Patterson, a member of the legislature, hung?—A. I do not know. I do not know why that was, unless they thought that Patterson was the greater rascal and equally criminal.

Q. Patterson was a prominent republican in that county?—A. Yes, sir; a member of the legislature; and I do not think his term had expired.

Q. He was quite an influential man among the negroes in that county?—A. Yes, sir; I have so understood. In addition to the fact of hiring this man to commit the assassination, it was also very currently reported that Patterson was doing his utmost to organize a body of negroes to come into Yazoo City.

Q. Was that also rumored, that he was doing his utmost to organize a body of colored men to march upon Yazoo City?—A. Yes, sir. How true it is I do not know.

Q. Have you or not heard, at the time Mr. Patterson was arrested by this mob and hung, that his person was robbed of about $1,500?—A. I have heard that he had about $1,500, I believe it was; not that he was robbed of it, but that the money was taken and given to some one.

Q. Have you ever heard to whom it was given?—A. No, sir; I do not remember now to whom it was given.

Mr. MORGAN. His sisters in Ohio would be very glad to learn, if you can give the information. They are at school there and are poor.

The WITNESS. I have heard but I have forgotten; you can find out all the rumors about it if you will write to Yazoo City.

Q. Have you or not heard that Battle and one or two others of the mob which hung Patterson took this money and distributed it among themselves, and that Battle to-day rides behind a horse and in a buggy purchased by that money?—A. I have not; I have heard that the money was in his hands, but what became of it I never heard.

Q. Was any effort made to punish the persons engaged in the hanging of Patterson?—A. I think not.

Q. Or the persons engaged in the hanging of Augustus Taylor?—A. No, sir.

Q. Or Horace Hammond?—A. No, sir.

Q. Or James Field?—A. No, sir.

Q. There has never been any judicial investigation into those killings?—A. No, sir. The grand jury may have inquired into them.

Q. But you never heard of it?—A. No, sir.

Q. You spoke of the mob of colored men going to the jail of Yazoo County, and taking out a colored man and hanging him, the man being charged with committing a rape?—A. Yes, sir.

Q. Do you not know that he was charged before the mayor with committing rape upon his own daughter, a child about twelve years old?—A. I think he was sent to jail by the mayor. He was charged with committing a rape.

Q. And do you not know that the colored men who went to the jail and took this man out and hung him were the very best and most law-abiding men in the community?—A. Some of them were and some were not.

Q. Do you not know that they were so regarded?—A. I do not know. Some of them were.

Q. Was the act ever disapproved by any of the respectable portion of the community?—A. I never heard it condemned. I do not know any person who went to the jail; and, indeed, I don't know of my own knowledge that they were there, except Dixon and Foot and Burris, although I saw a crowd there at the jail endeavoring to break into the door. I was not close enough to recognize any one of them.

Q. You have testified as to the killing of one colored man of the Ewing place, below Satartia?—A. Yes, sir. You understand I testified simply as to the report.

Q. That is in the southwestern portion of the county?—A. Yes, sir.

Q. About twenty-two miles from Yazoo City?—A. That is my understanding; I have never been there.

Q. Do you know at what point in Yazoo County Horace Hammond was hung?—A. Yes, sir. He was hung about a mile and a half or two miles below Yazoo City, on the western bank of the Yazoo River.

Q. Was it not Taylor who was hung there? Was not Hammond hung below, midway between Yazoo City and Satartia, on a plantation? Is it not eight miles below Yazoo City?—A. No, sir; not more than three or four miles.

Q. And Albert Taylor was hung where?—A. My understanding is that—Albert Taylor or Albert Augustus?

Q. Albert Augustus. Was it not in the suburbs of Yazoo City?—A. No, sir.

Q. Was there a coroner's inquest held upon him?—A. I don't think there was. There may have been.

Q. Was there ever a coroner's inquest held upon the body of Horace Hammond?—A. I do not remember whether there was or not.

Q. Or on Patterson?—A. I do not know.

Q. Do you know in what part of the county James Field lived?—A. I understand he was hung out near Vaughn's station.

Q. And that is in the eastern portion of the county?—A. Yes, sir.

Q. And Jacob Sidney was killed in what portion of the county?—A. He was killed, I think, somewhere in the northern portion.

Q. And Patterson was killed in what portion?—A. He was killed in the northwestern portion.

Q. Was it not in the western portion?—A. Yes, sir; on Silver Creek, in the western portion.

Q. Now we have accounted for one or two colored men who have been killed in each of the police beats of the county—that is, you have testified to the killing of one or more colored men in each of the supervisor's beats of the county?—A. I do not know the boundaries of the supervisor's beats.

Q. Do you know of no other killings during that canvass?—A. I do not think I do.

Q. Have you never heard of a man whose throat was cut and who had a stone tied to his neck, and who was then thrown into the river?—A. Yes, sir; I have.

Q. When was that?—A. I understood that was on a place—that he was placed in the river at a point about eight miles below Yazoo City.

Q. Was that not very near Satartia?—A. I do not know. I think it is twenty-seven miles from Satartia to Yazoo City, is it not?

Q. About twenty miles?—A. About twelve miles from Satartia.

Q. When was that?—A. I am unable to state in what month it was.

Q. Was it in 1875?—A. It was in 1875 and some time between—some time during the latter part of 1875; after the Yazoo City riot.

Q. You have stated that immediately after the shooting in the hall on the occasion of this riot in Yazoo City you came down town?—A. Yes, sir.

Q. Do you recollect hearing an alarm sounded at any time during that night, or during the riot, from the fire-bell of Yazoo City?—A. I do not.

Q. I believe there is such a bell, is there not?—A. Let me see—the first that I knew of the difficulty of the riot was when I was at my house. I was sitting on the front steps, in my slippers, and no more looking for any difficulty or expecting it than I now am.

Q. You did not hear this alarm of the fire-bell, then?—A. I did not hear it; if so, I have no recollection of it. I went down town immediately after I was informed of the apprehensions of the white people that there would be an attack by the negroes.

Q. There is such a fire-bell, is there not?—A. Yes, sir; there is such a fire-bell.

Q. State whether or not you know that the board of aldermen of Yazoo City made any appropriation of money to defray the expenses of those patrolmen and scouts.—A. I think it is probable that the board of aldermen made an appropriation to employ an additional police force.

Q. Do you recollect what the sum of the appropriation was?—A. No, sir; I do not; I cannot tell with any degree of accuracy the amount of it.

Q. A thousand dollars?—A. Hardly so much as that, I think.

Q. They were styled extra police?—A. Yes, sir.

Q. Did they do patrol duty?—A. Yes, sir.

Q. Was it their duty to go outside of the corporate limits?—A. Yes, sir.

Q. And they did go outside of the corporate limits?—A. I will tell you how that was managed. After these extra policemen had been employed by the city, it was usual to put one of those policemen on picket with one member from these organizations, and they would stand on from 7 o'clock until 12, and would be relieved by another extra police and another man from one of the organizations at night-time.

Q. Were you present in Yazoo City when I left?—A. I don't know when you left.

Q. On the night of the 12th of September?—A. Yes, sir.

Q. Did you hear any excitement in the city on that occasion? Did you hear any threat on the part of any one to pursue me and capture me?—A. No, sir. I simply heard that you had gone.

Q. During these days when the city was being picketed, do you remember whether or not Henry Dixon was in charge of this special police force?—A. He was not.

Q. He had nothing to do with it?—A. Nothing. He had nothing to do with the police or the pickets.

Q. Under whose command or authority was he acting?—A. Under the authority of no one, that I know of.

Q. Under whose authority was Colonel Andrews?—A. Colonel Andrews at first commanded the two companies. Shafer was one of them, and I the other. These pickets were visited every night, alternately, by the officers of the different companies, and these two companies, I should say, were placed under the command of Colonel Andrews; and Colonel Andrews had no command over Dixon whatever—no control over him.

Q. He was a sort of independent ranger?—A. Yes, sir.

Q. During this time, or subsequently, do you remember of ever seeing Dixon and his party riding out through the streets of Yazoo City and the country with ropes tied to their saddles?—A. My impression is, and my best recollection is, although I am unable to state at what particular time it was, or on what particular occasion—I say, I think I have. I say, the party—I think I have seen a rope at the saddle of some one of the party; and my best recollection is that it was at Dixon's saddle.

Q. Did they generally carry them?—A. I don't think they did. Some few of them may have had them. I don't know how many. I don't think they were carried by all, or even a majority of them.

Q. Why did they carry a rope?—A. I do not know.

Q. Do you know what this man Dixon's reputation is in that community?—A. Yes, sir.

Q. Please state it.—A. It is good.

Q. He is a good, high-minded, honorable man, is he?—A. He is considered as an honorable man.

Q. Is he not known there as a gambler as well?—A. Yes, sir.

Q. Is not that his profession?—A. I cannot say that it is his profession.

Q. He makes it a business, does he not?—A. I say that he gambles habitually.

Q. Have you ever heard, or do you know, whether or not he was ever charged with killing any one?—A. Yes; I have heard that he shot a negro in 1866 or 1867, I believe; I do not remember what year it was; I heard that he shot him with a pistol, two hundred yards off; I don't know whether he died or not.

Q. Had you heard of another one he killed in Yazoo City in front of Mr. Barkstal's store?—A. I wish to correct that last answer; I heard that he killed a negro in front of Mr. Barkstal's store.

Q. Was he ever punished for either one?—A. Not that I know of.

Q. Will you be kind enough to state to this committee whether or not you know of a single instance of a white man having killed a negro in Mississippi and having been punished for it? Name one instance.—A. If you will call to my mind an instance of negroes having been killed by white men——

Q. You are an older resident than I am there?—A. I was just trying to think of some white man who had killed a negro, and who had not been punished.

Q. Do you recall one single instance?—A. I do not know personally that—Dixon has not been punished.

Q. You know he is living there to-day?—A. Yes, sir.

Q. And that he is held in high esteem by the community generally?—A. Dixon is well liked by the community generally.

Q. Is he or not the terror of the colored population in that county? Do they not regard him throughout the whole extent of the county as a most desperate, reckless, wicked man?—A. No, sir.

Q. I refer to the colored population?—A. I do not know how they regard him. I think that they are afraid of him.

Q. That is the uniform opinion, is it not?—A. I do not know what they thought of his morals. I think they are afraid of him.

Q. Then, when these colored voters of Yazoo County saw Dixon at the head of twenty-five men patrolling the county with a rope at his saddle, is it or not your opinion that they were intimidated by it?—A. I don't remember of but one instance—of but two instances—in which Dixon rode through the county with twenty-five men behind him.

Q. Please state what those two instances were?—A. When he went to Satartia, and when he went to Vaughan's Station.

Q. But I think, in your direct examination, you stated that he also went once to Wolf's Lake?—A. I think I said with ten or fifteen men.

Q. Did he not go to Satartia on a boat?—A. Yes, sir.

Q. He did not ride to Satartia then?—A. He rode back.

Q. He came back on horseback?—A. Some of them rode back; some came back on one side of the river and some came back on the other side of the river, and they were scattered all along. I think that in the crowd that Dixon rode back with there were only five or six men who rode back from Satartia. I think that he only had ten or fifteen men when he went out to Wolf's Lake. I don't know whether the negroes were intimidated or not; I do not know what he did.

Q. Do you know whether or not Dixon was one of the democratic challengers of registration during the registration of voters in Yazoo County in 1875?—A. I don't remember.

Q. Do you not know that Whadley and H. L. Taylor and Robert Johnson were the democratic challengers at Satartia on the day of the registration?—A. I do not; I never heard of it. I heard that Dixon was there.

Q. You heard that he was at Satartia?—A. Yes, sir.

Q. Do you remember on what day the registration-books were opened in Yazoo County?—A. No, sir.

Q. You remember that there was a registration in 1875?—A. I do.

Q. Have you or not ever heard that this difficulty at Satartia, of which you spoke in your direct examination, occurred, not at the Ewing place, but at the town of Satartia, on the day the registration-books were opened and the registration began?

The WITNESS. The difficulty at which Rose was shot?

Mr. MORGAN. The origin of that difficulty.

A. O, I have understood that there was a sham fight in Satartia. I do not know what connection the sham fight had with the difficulty on the Ewing place—with the fight on the Ewing place. I did not know that it had any connection whatever until I heard Mr. Gibbs speak of it the other day in his testimony.

Q. But you heard that there was a sham fight?—A. Yes, sir.

Q. On the occasion of the registration at Satartia?—A. Yes, sir.

Q. Have you heard it from other persons than Mr. Gibbs?—A. Yes, sir.

Q. Please state whom.—A. O, I do not remember now whom.

Mr. TELLER. That does not seem to be denied. I think we had better not spend any time on it.

Q. (By Mr. MORGAN.) Do you know Mr. H. L. Taylor, personally?—A. I do.

Q. Do you know whether or not he was in the confederate army?—A. I understand so.

Q. In what command?—A. I understand that he was lieutenant in Ross's command.

Q. What command was that?—A. That was a Texas command.

Q. That was known as Ross's Texas Brigade?—A. Yes, sir.

Q. Do you not know that at the close of the war, having served in that brigade, he settled there in Yazoo?—A. That is my understanding.

Q. He is a new-comer there as well as myself?—A. Yes, sir.

Q. He came there from Texas and I came from Wisconsin at the same time, I believe.—A. I don't remember when either of you came there; I was not in the county at the time.

Q. Where does Mr. Taylor live?—A. He is living in Yazoo City.

Q. Where was he living in 1875?—A. My understanding is that it was about ten miles from Yazoo City.

Q. In what direction?—A. I think in the direction of Satartia. I don't know on what road he lives; I have not been to his house.

Q. Were this company of mounted men known as Taylor's company his neighbors?—A. That is my understanding.

Q. People living in his neighborhood?—A. Well, yes, sir.

Q. Perhaps as far as twenty miles from Yazoo City?—A. Yes, sir; I don't know how far.

Q. Perhaps twenty-five miles?—A. I do not know. I understand that it was a company formed of people living within a convenient distance from Taylor's.

Q. That is a sparsely-settled country?—A. I do not know.

Q. The colored people are much more dense on the swamp side of the river, are they not?—A. Yes, sir.

Q. Mr. Taylor lives on what is known in common parlance as the hill side of the river?—A. Yes, sir.

Q. That is much more sparsely settled with colored people than the swamp side?—A. Yes, sir. I do not know that the bottoms to the hill side of the river are more sparsely populated than the bottoms on the other side of the river.

Q. Do you recollect at what hour Mr. Taylor reported in Yazoo City with his company on the morning following the riot?—A. It was between eight or eleven o'clock, I think. It may have been twelve.

Q. Early in the forenoon?—A. Yes, sir.

Q. Do you think it would be possible for Mr. Taylor to assemble a company of seventy-five or one hundred men in a sparsely-settled neighborhood, as you and I know that to be, within the time allowed between the firing at the city-hall, where the meeting was held the night before, and the hour at which he reported at Yazoo City?—A. Yes, sir.

Q. Do you think it would be possible?—A. I believe it would be possible for him to have done it in the neighborhood in which he lives. He did collect them.

By Mr. SINGLETON:

Q. You have been asked to-night whether you have known of colored people organizing and marching upon the town for the purpose of attacking them. Have you ever learned that there was a company

formed in the county of Tunica, which was marched to Friar's Point, and which was met by General Alcorn and repulsed?—A. I have.

Q. Did you ever learn that a company had formed and marched to the city of Vicksburgh, and were met there and repulsed?—A. Yes, sir; and that the white people were not looking for them and not expecting them.

Q. Had not this difficulty at Vicksburgh occurred but a short time before?—A. But a short time before; a month or six weeks before.

Q. Were the people of Yazoo not apprised of the movement of the colored people upon the city of Vicksburgh?—A. They were. It was commonly reported that some of the people of Yazoo County were coming to Vicksburgh.

Q. Have you ever known that they have organized and marched upon one or two cities?—A. I know it from common report. It is not denied.

Q. You said that these companies met and went to Vaughan's Station. Was it understood that Colonel Morgan was to return to that county at the head of several militia companies, which were to be furnished him by Governer Ames?—A. Yes, sir.

Q. And the purpose was to prevent them from entering the county?—A. Yes, sir; because they believed——

Q. [Interposing.] Was it believed there that Governor Ames had no authority to send militia companies out to that county?—A. It was.

Q. Was it thought necessary that Colonel Morgan should have had militia companies to escort him back to the county?—A. I do not understand that question precisely.

By Mr. TELLER:

Q. Could he come without them?—A. I do not think that Colonel Morgan could have safely come into Yazoo City.

Q. You mean without militia?—A. I want to say here, I do not believe he could have done so. From the great majority of the people he would have had nothing to fear, but from some few people he would.

By Mr. SINGLETON:

Q. Was that from parties who considered themselves aggrieved at him—Henry Dixon, for instance, whom it was said he shot?—A. I do not know that Dixon said he was shot by Morgan. I do not know that Dixon knew of it at the time. I know he was very mad about it after he heard of it.

Q. Were these militia companies which were to come there to be composed entirely of colored people?—A. I so understood.

Q. Do you not know that white companies have been offered to Governor Ames for the purpose of keeping the peace, and that he declined to accept them?—A. I understood that, also.

Q. And that he preferred to send militia companies composed of blacks, with Colonel Morgan, into the county of Yazoo?—A. Yes, sir; I know that from rumor and report.

Q. It is all known from rumor?—A. Yes, sir. I do not think that question about militia had any political influence whatever. It had no connection with politics.

Q. There was no political bearing connected with it at all?—A. It was not done for the purpose of influencing politics. It was simply thought that if the negro militia came into the county of Yazoo, that those negroes, as we then believed, who were already very incensed——

Q. I will ask you this question: Whether the people of Yazoo County, in your opinion, would have ever organized those companies unless

they had believed themselves in danger, and thought it was necessary for their safety?—A. They would not.

Q. Were they organized for anything like political purposes?—A. They were not, and had no political purpose or significance attached to their organization.

Q. You have been asked about the killing of those people in the different parts of the county of Yazoo. Colonel Morgan asked you if some had not been killed in each police-district. I will ask you if the most of them were not colored people killed by colored people?—A. I know of two instances in which it was reported that colored people hung colored people, and the majority of the killings in the county were colored people killed by colored people.

Q. Is there any political significance attached to those killings at all?—A. There is none. In my opinion there is none.

Q. And they had nothing to do with politics?—A. Nothing. I had given to the Senator the cause of the killings.

Q. At what time was it that Henry Dixon killed a man in front of Mr. Barksdale's store?—A. That was seven or eight years ago—1866 or 1867.

Q. Which party, the democratic or republican, was in control and authority there?—A. I do not know. I was not in the county at the time.

Q. You can, perhaps, tell when it was that the democrats got control of the county?—A. I believe—I really do not know whether the radicals or democrats had the control of Yazoo County at that time.

Q. Do you not know that the republicans have had control of the county ever since the war, up to within the last two years, as a matter of history?

Mr. MORGAN. I presume you mean since 1869.

The WITNESS. I think that Colonel Dyer, a democrat, was sheriff in 1867.

By Mr. SINGLETON:

Q. Have the republicans not had an opportunity, while they had control of the county there, to investigate these matters, and to bring these men to punishment, if they had chosen so to do?—A. Yes, sir; they have.

Q. Have they not neglected to do it?—A. That was in 1875, and two terms of courts have been held by a republican judge and republican juries. They have never done or said one word about it that I know of.

Q. Then they have let these matters pass while they had control of the county, holding all the offices, sheriff, constables, clerks, and everything of the sort, and with their judge upon the bench? They have permitted these things to pass without investigation; have they not?—A. Yes, sir; in answer to the question about the case of Dixon having been investigated, my understanding is that in one case there was an investigation or a trial before a justice of the peace, and he was either bound over or discharged, I do not know which. That was in 1867, however.

Q. Do you know anything about the circumstances of each killing; whether they were justifiable or not?—A. I do not know a thing about it, except that I have heard that he had killed him. Yes, sir; I heard some of the circumstances attending the killing of the negro in front of Barksdale's store, and I believe that the negro was at the time attempting to shoot him. It was a personal encounter between them; I am not sure of that.

By Mr. TELLER:

Q. When was this trouble at Vicksburgh that you speak of? I refer to the Vicksburgh riot, as it is generally called?—A. My understanding is that it was in December, 1874.

By Mr. MORGAN:

Q. Was it not in August?

The WITNESS. Was it in 1874 at all?

Mr. MORGAN. Yes, sir; it was about the time of the election, August or September, or along there?—A. Well, I know that Governor Ames called a special seession of the legislature in December, soon after the riot occurred. It may have been in August. I do not know.

WASHINGTON, D. C., *February* 2, 1877.

JAMES T. LESTER sworn and examined.

By Mr. TELLER:

Question. Where do you reside?—Answer. I reside at Jackson, Miss.

Q. How long have you resided there?—A. Nearly all my life.

Q. What business are you engaged in?—A. I have been clerk and book-keeper recently.

Q. Have you held any office?—A. No, sir.

Q. Were you registrar?—A. I was registrar of my county; that is the on'y office.

Q. Of what county?—A. Hinds.

Q. Who appointed you?—A. I was appointed registrar by the State board.

Q. The State board of registration?—A. Yes, sir.

By Mr. KERNAN:

Q. Please name the year when you were appointed.—A. Last August—or June, perhaps it was; June, 1876.

By Mr. TELLER:

Q. On whose recommendation were you appointed?—A. I was recommended by some of my democratic friends.

Q. What are your politics?—A. My politics? I am a democrat.

Q. Who recommended you?—A. Major Barksdale was one.

Q. Were there any others?—A. General Wharton; and Hon. Mr. Clifton was another.

Q. Are they democrats?—A. O, yes, sir.

Q. Living in your section?—A. Yes, sir.

Q. What was your duty as registrar?—A. To register all the voters in the county.

Q. Did you act as registrar?—A. Yes, sir, I did.

Q. What number of votes were registered in your county?—A. Somewhere about seven thousand, I think. I do not recollect the numbers exactly.

Q. What number of whites, as near as you can remember?—A. Somewhere about three thousand.

Q. About three thousand whites?—A. Twenty-eight hundred or three thousand; somewhere along there.

Q. What number of colored?—A. About forty-five hundred, as well as I recollect. I do not know certainly.

Q. Do you think about forty-five hundred?—A. I think it is somewhere in that neighborhood.

Q. Were you present in the county at the time of the election?—A. Yes, sir; the law required me to be at the county-seat. I was there and assisted in holding the election at the county-seat, on the day of the election.

Q. What did you have to do as registrar of the election on election-day?—A. I was required by law to be one of the supervisors of the election.

Q. At the county-seat?—A. Yes, sir.

Q. You discharged that duty?—A. I endeavored to do so to the best of my ability.

Q. How many votes were cast in the county, if you remember?—A. Somewhere about five thousand. I do not recollect exactly how many. Five thousand four or five hundred, perhaps.

Q. Do you remember about how much short of the full vote it was?—A. I do not know what the vote of the county had been before.

Q. I mean of the registered vote. Do you remember the difference between the vote cast and the vote registered?—A. There was some considerable difference.

Q. Somewhere in the neighborhood of a couple of thousand?—A. Not so much as that; it was less than that, perhaps.

Q. Between seventeen hundred and two thousand?—A. It was somewhere in the neighborhood of seventeen hundred, I think.

Q. Do you remember what the registration was in 1875 in that county?—A. It was more, I recollect.

Q. More in 1875 than in 1876?—A. I have heard it said that it was considerably more—fifteen or sixteen hundred more, perhaps.

Q. In 1875?—A. Yes, sir.

Q Do you remember whether that was the colored vote that was more or the white; or do you not know about that?—A. I do not know. I never paid any attention to such things.

Q. You do not know where the deficit was?—A. No, sir.

Q. Had there been much change of the population of that county?—A. Some change.

Q. Had it decreased or increased in population?—A. I should rather think it had decreased; a great many colored people, I know, had gone to river counties.

Q. How did the vote stand in that county between the candidates? Do you remember that?

The WITNESS. In the last election?

Mr. TELLER. Yes, sir; in 1876.

A. The democrats were largely in the majority.

Q. Do you remember the amount of the vote and how it stood?

The WITNESS. The total vote of the county?

Mr. TELLER. Do you remember how many democratic votes were cast?

A. I do not recollect exactly; I know what the majority was.

Q. What was the majority?—A. The official majority of the county was three thousand and thirty-seven. I recollect that from making up my returns to the secretary of state, as we were required to do, of the vote of the counties.

Q. Do you remember how the vote stood in 1875, as to which party had a majority?—A. The democrats had a majority; yes, sir.

Q. What majority?—A. Somewhere about fifteen hundred.

Q. Do you remember how the vote was in that county in 1872?—A. I do not.

Q. Could you tell whether it was democratic or republican?—A. I think it was republican in 1872. I do not know exactly. I never paid any attention to it at the time. I was farming at the time.

Q. You think it was republican, but you do not remember the majority?—A. Yes, sir.

Q. Did you take any active part in the campaign yourself?—A. No, sir; I took no part whatever, except as registrar.

Q. Did you travel about during the campaign?—A. I had to be all over the county.

Q. You went to every precinct?—A. Yes, sir; every one.

Q. Did you hear much expression of opinion among the people about the contest before election?—A. Yes, sir; I did hear a good deal. I did not hear many speeches, but I talked to a great many people, of course; I was compelled to do so.

Q. You must have had, according to your vote, quite a democratic colored vote in your county, did you not?—A. Yes, sir.

Q. Have you any idea what number of colored men must have voted the democratic ticket?—A. I do not know; I never thought of it.

Q. You cannot make any estimate?—A. No, sir; I do not know.

Q. What are the colored men generally in that section, democrats or republicans?—A. Well, sir, there are more colored men registered than white men, and there was a democratic majority.

Q. How long has that been?—A. Well, sir, a change has been taking place down there.

Q. It was not so previous to 1875, was it?—A. I believe the republicans did have a majority before that time. I did not pay much attention to it.

Q. Were there any republican meetings held in your county?—A. Yes, sir. I never was present at one, but I know of one.

Q. You have heard of one?—A. I know of one, anyhow.

Q. Do you know of any effort made to induce the negroes to vote the democratic ticket?—A. O, yes, sir; there was a very considerable effort made.

Q. What was the nature of the effort, as far as you observed?—A. They were talked to and persuaded to do it. They were induced to join the democratic clubs.

Q. Was there any special inducement offered to them in any way?—A. I never heard one. What do you mean?

Q. Were there any threats of discharge from employment if they did not do so?—A. I never heard such a threat made at all.

Q. Did you hear talk of that kind in the community that it would be done if they did not do it?

Mr. KERNAN. I object to what he heard in the community.

(Objection overruled.)

A. I do not know that I ever did.

Q. (By Mr. TELLER.) And suppose the negro is left alone South, how will he naturally vote?

The WITNESS. How do you mean?

Mr. TELLER. Suppose there is no extra effort made in the community, and he votes according to his natural inclination, what do you think would be his vote in your section, democratic or republican?

The WITNESS. May I answer that question by asking another?

Mr. TELLER. No; I want your opinion about it.

Mr. KERNAN. I object to his giving an opinion as to how they would vote.

Q. (By Mr. TELLER.) From your observation, how would you say the negroes would vote, supposing there was no effort made on either side?—A. They would have to be told how to vote.

Q. You think they would not know enough to vote without being told?—A. I do not think they know anything at all, anyway, much.

Q. You have not a very high opinion of the negro, then. Were the democrats particularly active in your county during this campaign?—A. Yes, sir; they were decidedly active.

Q. What did their activity consist of?—A. In torch-light processions, speeches, and barbacues, &c.

Q. While you were registering these votes did you hear any expression among the colored people as to which way they intended to vote?—A. No, sir; only a few of them. I could not get them to say anything about it. I talked to a great many myself, and tried to persuade them to vote.

Q. They were not disposed to express an opinion as to which they would vote?—A. As a general thing, they won't talk to you unless they know something about you. That is my experience with them.

Q. Was the democratic party sanguine of success during the last campaign?—A. Yes, sir; they were very sanguine.

Q. Why?—A. They had succeeded, and, of course, they expected to succeed again.

Q. When had they succeeded? In 1875?—A. Yes, sir; they had succeeded in 1875. They made a strong effort and succeeded.

Q. What particular effort was made in 1875 in your section?—A. They were very active in canvassing, speaking, &c. I do not know much about the year 1875; I was not there.

Q. You were not there?—A. I was there, but I took no active part in politics at all.

Q. Were there no organizations of military companies down there in 1875 in your county?—A. In 1875, the State militia was organized. I think it was in 1875. Perhaps it may be the year before.

Q. Were they organized as State militia or as independent companies?—A. As both.

Q. What number of military companies were there in your county in 1875?—A. I have no idea. There was a good many, however.

Q. Give an estimate of about how many.—A. I know of eight or ten—six or eight, perhaps, I had better say; I am not sure.

By Mr. KERNAN. Independent companies?

Mr. MITCHELL. Independent and militia companies.

Q. (By Mr. TELLER.) Do you know what number of them were regular militia, organized under the law?—A. No, sir; several of them—at Jackson—I do not know how many.

Q. Were they kept up in 1876?—A. No, sir.

Q. They had fallen into disuse entirely, had they?—A. The militia were all disbanded and the arms recovered, as far as possible, and turned over to the State, as I understand it.

Q. How about the independent companies? Did they keep up their organization?—A. Not at all. I belonged to a company myself, and I never heard of it afterward.

Q. They seemed to disband after 1875, did they?—A. Yes, sir; I never heard of there being any.

Q. For what purpose were those companies organized in 1875, if you know?—A. I cannot speak except for the one that I belonged to myself.

Q. What was that for?—A. Our idea was self-protection.

Q. From the negroes?—A. In case of emergency.

Q. When was the first military company organized in your neighborhood since the war, that you know of?—A. I never paid any attention to anything of the kind myself until—I cannot recollect when it was that I joined the company myself. It was the first one of the kind that I had ever heard of.

Q. The one that you organized?—A. I did not organize it.

Q. The one that you joined, you mean?—A. Yes, sir. I joined it.

Q. Was that a militia or private company?—A. Just a company of young men in my neighborhood.

Q. Were you armed?—A. No, sir. I never had any arms.

Q. Did any of them?—A. They had their shot-guns, perhaps, some of them. I never saw any arms. I never saw any regular meetings for drill at all.

Q. Did you ever go out with them?—A. I went to the place of meeting several times.

Q. I mean, did you ever go out from your town?—A. I was living in the country at that time.

Q. Then you went into the town, I suppose?—A. No, sir. We met there.

Q. Did your company at any time attend political meetings?—A. Not as a company, that I know of. I never did.

Q. Did you meet and determine to go as citizens, or in any other way, to political meetings, and did you meet first at your headquarters or place of rendezvous?—A. I never was present at anything of the kind.

Q. You do not know whether it was done or not?—A. I never went but to one public meeting of the sort myself in my life down there.

Q. As registrar, did you have any appointments to make?—A. The board of registration did.

Q. Who composed the board?—A. It was composed of three men—a man by the name of Parsons, he was a democrat; a colored man named Snead was a republican, and myself composed the county board of registration.

Q. Your board had the appointment of what officer or officers?—A. Of the supervisors and clerks of election.

Q. In all the precincts?—A. O, yes, sir; at all the precincts. The law requires it.

Q. How many precincts are there in your county?—A. There are sixteen.

Q. How many officers would you appoint to a precinct?—A. We appointed three supervisors and two clerks for each and a deputy sheriff.

Q. They were appointed by your board?—A. Yes, sir.

Q. Three supervisors, two clerks, and a deputy sheriff?—A. Yes, sir.

Q. That made six you appointed for each precinct?—A. Yes, sir.

Q. How did you select these men?—A. Well, sir, they were selected from the voters of the precinct at which they were to act.

Q. How did you select them—with reference to their politics?—A. Yes, sir; to some extent.

Q. How was that done?

The WITNESS. I do not know how you mean.

Q. Were they all of one party?—A. O, no, sir. They weren't all of one party.

Q. How many republicans did you have on, out of the three?—A. We always had one republican.

Q. Did you ever have more than one?—A. No, sir.

Q. You had two democrats and one republican?

The WITNESS. I do not understand your question.

Q. You always had two democrats where you had three men to appoint?—A. We had six men to appoint.

Q. You appointed three supervisors?—A. Yes, sir.

Q. You always took two of them as democrats?—A. Yes, sir; of course, we gave our own side the majority.

Q. How about the clerks and deputy sheriff, was the deputy sheriff always a democrat?—A. Yes, sir.

Q. Now, how about the clerks?—A. It depended upon circumstances.

Q. State the circumstances.—A. Sometimes they were all democratic clerks. Sometimes there was one republican clerk.

Q. How often, do you think, in the county, during that time you had a republican clerk? How many out of the thirty-two were republicans?—A. There was at least one at each box.

Q. There was one republican clerk at each box?—A. One republican.

Q. One republican out of the six at each box?—A. One republican of some kind.

Q. But you do not mean to say that there was one republican clerk at each box?—A. No, sir; not always. It depended, as I say, upon circumstances who it was.

Q. Are there any white republicans down there in your county?—A. Yes, sir; there are some.

Q. Are not most of them colored?—A. The colored people have a majority in the county.

Q. That is not what I asked you. I asked you if pretty near all of the republicans are not black men.—A. A great many of them are.

Q. I do not mean to say that all the black men are republicans. Are there very many white men who are republicans in your county?—A. There are a good many. There must necessarily be.

Q. White republicans?—A. Of course. It is a very large county. There must be some republicans among them.

Q. O, yes, I suppose there are some; but most of them I am speaking of.—A. Of course, the most of the white people are home folks, and they are not republicans.

Q. What is the character of these men that you appointed to office who were republicans, were they white or black?—A. They were always colored.

Q. Did you ever appoint a white republican down there to any office?—A. I did not. I made it a point not to do it, because I thought the colored men were entitled to that much consideration.

Q. Were those men able to read?—A. Well, some of them could.

Q. How many of them out of the whole number that you appointed?—A. I do not know. They were not personally known to me, all of them.

Q. Did you not know that most of them could not either read or write?—A. Some of them could not, perhaps.

Q. By whom were they generally recommended?—A. They were recommended by voters of each precinct as we passed through.

Q. Generally by your democratic acquaintances, as you went through?—A. I reckon so.

Q. You think probably that was so?—A. I reckon so. Of course, I did not consult any republican in regard to it. I had nothing to do with them in the business at all.

Q. That is the way they generally do, I believe?—A. Of course. Wouldn't you have done it yourself?

Q. So then you generally had the recommendation of your democratic friends as to the republicans and as to their ability?—A. That was the best that I could do. They were not known to me.

Q. Were there any republicans ever recommended by the chairmen or presidents of republican clubs down there? Were they recommended for this place?—A. Yes, sir; there were republicans recommended.

Q. Did you ever appoint any who came with that kind of recommendation?—A. I did not.

Q. Why not?—A. Because I did not propose to be dictated to by republicans at all in regard to it.

Q. You thought that was a democratic affair?—A. That was my affair, and not theirs.

Q. You intended to run it in that way, did you?—A. They did not consult us about it, and I did not propose to consult them.

Q. They did not have much to do with it, did they?—A. They have had something to do with it heretofore.

Q. Are you sure that you had one republican at all of these places?—A. Certainly. It was my intention to get one there.

Q. It was your intention, but do you know whether you did succeed or not?—A. Some of them were not personally known to me at all. I am not acquainted all over the county. I know a few persons.

Q. You said a little while ago that you did not think these negroes knew much. How about these men that you selected? Did they know any more than the others? Were they not pretty ignorant, too?—A. The intelligent niggers down there are carpet-bag niggers, and they are very objectionable to us.

Q. Do you have carpet-bag negroes as well as white people?—A. We do; plenty of them.

Q. Where do they come from?—A. All over this country; everywhere.

Q. From the North?—A. Yes, sir, of course.

Q. Negroes?—A. Plenty of them.

Q. So that the most intelligent of the black men were carpet-baggers, were they?—A. There is one in the United States Senate. He is not from Mississippi, that I know of.

Q. No, I believe he is from Louisiana. Well, that is the statement that you made, that the intelligent negroes were mostly carpet-baggers and objectionable?

Mr. KERNAN. He said the most intelligent.

Q. (By Mr. TELLER.) And that class you did not appoint?—A. No, sir; I started out with the idea that it was right to do what I could for the colored men. It was not much that I could do for them at all. Their own party had ignored them when they voted, and I made up my mind to show them that I did not intend to do it, and would do whatever I could for them; and whenever I had the appointment of a republican to make I had it understood that he should be a colored man.

Q. Did you not generally take one that you thought would not be particularly pleasing to the republicans? Did you not generally take one that they did not like very well?—A. I did not ask them about it.

Q. Was it not rather a recommendation to the place that the republicans did not want them? Were you not rather inclined to appoint an obnoxious negro in the neighborhood?

The WITNESS. I do not understand.

Q. If there was any negro in the neighborhood that the republicans were displeased with, and did not like, did you not appoint him if you could?—A. I do not know that I did.

Q. You do not know that you looked into it in that way, to see whether the republicans disliked him or not?—A. No, sir.

Q. Did you ever attend any political meeting in the democratic party during that season?—A. Not during last year; I did not attend any at all. I never attended a public meeting of any kind.

Q. Did you attend any convention of democrats that was not public?—A. No, sir.

Q. Any conference of democrats?—A. No, sir; I was not in any convention of democrats at all. I was at a meeting of our old club at home once or twice, when I happened to be there, during the time that registration was going on.

Q. Did you ever attend a meeting where the presidents of democratic clubs where gathered together?—A. No, sir; I did not attend any such meeting. I was not president of a democratic club myself, and I did not attend any such meeting as that.

Q. Do you know of any such meeting being held?—A. Yes, sir; there was a meeting of the kind held.

Q. In your county?—A. Yes, sir.

Q. Where?—A. It was held at Raymond, I think.

Q. When?—A. Some time before the election.

Q. You were not present then?—A. I did not attend it because I had something else to do.

Q. Do you know what transpired or took place there?—A. I was not there.

Q. Do you know it from what has been told you by men who were there?—A. I heard some things that were said, of course.

Q. You had some conference with some of the members afterward, did you?—A. I saw somebody—some persons who were there, and heard them talk about it. I was not present myself, however. I was busy about another matter. I feel exceedingly faint and badly this morning. I would like to have the matter of examination postponed until I can feel a little better.

Q. I will not keep you a great while. I will ask you about the Brownville box. Do you know whether the inspectors were republicans or all democrats at that point?—A. The intention was to have some of them republicans, of course.

Q. Do you know whether or not you succeeded in that intention?—A. I was not personally acquainted with them.

Q. Did you afterward understand that they were all democrats? Did you understand that the colored man you appointed was a democrat?—A. I was told so after the appointment was made—after the election was over, I believe; I do not recollect exactly when. There was a republican recommended, and the only one that was recommended. I did not like to appoint him, because I did not think it would do at all, because I thought it would create a disturbance.

Q. Why would it create a disturbance?—A. Because he was a very unruly and unpopular man; a turbulent sort of a nigger.

Q. You thought that he was objectionable?—A. He ought to have been objectionable to everybody, because he was a bad man; and I had to appoint somebody else. I didn't know any niggers in the neighborhood at all.

Q. Do you remember who you appointed there?—A. I do not recollect what his name was.

Q. Do you know whether he got drunk and abandoned the poll or not?—A. I do not know whether he did or not. I do not suppose he did.

Q. Did you never hear of it?—A. No, sir; not in regard to Brownville.

Q. I want to ask you about the ballot-boxes in your county. Did you have them at the county-seat or did the board of registration have control of the boxes in which you deposited?—A. Yes, sir.

Mr. KERNAN. Do you mean on election-day?

Mr. TELLER. No; before election, of course. [To the witness:] How many boxes to the precinct?—A. One.

Q. (By Mr. TELLER.) When did you distribute these boxes?—A. They were distributed a few days before the election.

Q. To whom were they sent?—A. They were sent out—the different boxes to the different supervisors.

Q. By whom were they sent out? How did you send them around?—A. The law requires that the sheriff shall either send them around by person or by deputy.

Q. Was that done?—A. It was whenever they could.

Q. How long before the election?—A. Only a few days. I do not know exactly.

Q. Who procured you these boxes?—A. They were old boxes. They had been in the county ever since it was organized, I reckon.

Q. All of them, or were there some new ones?—A. No, sir; they were all there.

Q. Had they been fixed up or had anything been done to them?—A. I had them put in good order, every one of them.

Q. State what you did in order to put them in good order.—A. I did not do anything to them myself. I took them, however, and carried them to a man and asked him to fix them so that they would be right.

Q. What did he do to them?—A. Well, he put—he fixed hinges to some of them and hasps to some.

Q. Did he put new locks on any of them?—A. New locks on all of them.

Q. What kind of a lock did you have on them?—A. Brass.

Q. Was it a padlock?—A. A little padlock that is always used in our country.

Q. That is, a staple with a hasp?—A. Yes, sir.

Q. That was the kind?—A. Yes, sir.

Q. Who was the man who did that in your county, who fixed up these boxes with new locks?—A. I turned them over to a tinner and got him to do it.

Q. What were his politics?—A. He was a democrat.

Q. What kind of locks were they, brass or iron?—A. A small brass lock, such as we generally use.

Q. Were they common small padlocks?—A. They were not very large.

Q. Did you furnish them, or did you send and get them?—A. I sent off for them.

Q. You furnished them to the man who put them on?—A. He had nothing to do with that at all. I got the locks myself.

Q. Where did you get the locks?—A. I sent off for them.

Q. From whom did you get the locks?—A. I do not know who I got them from.

Q. Where did you get them?—A. I sent away for them.

Q. To whom did you send?—A. I do not recollect. I do not know who I did send to for them.

Q. To what place did you send?—A. I sent to New York for them.

Q. You sent to New York for those sixteen locks?—A. Yes, sir.

Q. Did you get any more?—A. I did not know exactly how many boxes I was going to use at the time when I sent for the locks.

Q. So that you got more than sixteen?—A. I got more than I found necessary afterward to use.

Q. Do you recollect how many more?—A. I do not know.

Q. You can tell whether you had only a half dozen left or only one?—A. I had a good many left. I do not know how many. I did not have any use for them and I just laid them aside.

Q. Do you know what they cost?—A. I do not recollect exactly what they did cost.

Q. You are sure you sent to New York for them, are you?—A. They cost, I do not know how much; I do not recollect; five or six dollars, though, I believe; maybe not so much.

Q. Were the locks all alike?—A. No, sir; they were not exactly alike.

Q. How many keys did you have to a lock?—A. Why, I sent for a lock and key for each box.

Q. Did more than one key come?—A. A good many locks came.

Q. Did not each lock have more than one key? Were there not duplicate keys?—A. There was just one lock to each key in the package that I got. I got two or three boxes—two boxes—maybe three boxes of locks. I did not know what they were going to cost. I did not send for them in person, myself, I got another man to send on for them; he said he would have to send to New York.

Q. Do you recollect who did send for them?—A. I am not exactly certain what the man was. He was a comparative stranger to me.

Q. He delivered the whole lot to you?—A. He just delivered me some packages containing these locks.

Q. Was the man doing business down in your section?—A. Yes, sir; he is in some sort of business.

Q. Is he there now?—A. I don't know whether he is or not.

Q. Do you know what his name is?—A. I have not seen him since the election. I don't know whether I do know his name.

Q. What business is he engaged in?—A. He is a merchant.

Q. Do you know in what place he is engaged in business?—A. He used to be in Raymond. He may not be there now.

Q. What is your impression as to what his name is?—A. I don't know that it makes any difference in regard to that. I just gave him the money.

Q. I want his name if you know it?—A. I am not certain that I can tell you what his name is.

Q. Give us your best idea of what his name is?—A. It might have been Cox.

Q. Do you think it was?—A. I am the poorest hand in the world to recollect names.

Q. Do you say you cannot remember his name?—A. I don't recollect names; I don't half the time recollect your own, when I am here talking to you.

Q. Do you know what point in your place he did business at?—A. He may not be in business at all, now.

Q. At that time where was he doing business?—A. I think he was located in some sort of business in Raymond.

Q. Do you know what his politics were?—A. He was a democrat, I presume.

Q. How many keys did you get with this lot of locks?—A. I got a lock, and a key for each lock, in the package that I received.

Q. Did you get any other keys?—A. I just got a key for each.

By Mr. KERNAN:

Q. Were there more keys than locks?—A. There was a great big package. I do not know how many locks there were.

By Mr. TELLER:

Q. Were there more keys than locks? Were there not two keys for every lock?—A. No, sir; there was not two keys for every lock that I got, by any means.

Q. There were two keys for some locks, were there?—A. Of course, I found some keys would fit more than one lock.

Q. About how many keys would fit more than one lock?—A. I don't know. The locks were not exactly alike. Some keys would fit some locks that they would not fit others.

Q. You sent up these locks with the keys with them?—A. I did. I sent out the poll-boxes, and, of course, I sent a lock and key for each one of them. They had to be locked up, securely locked.

Q. After they had been sent out did you not have some keys that would lock and unlock them?—A. Of course I had some keys.

Q. Did you not know that if you had wanted to open some of those locks you had the keys, after you had sent the boxes out?—A. They were so nearly alike that I suppose I could have opened some of them.

Q. Did you not know that you could?—A. I reckon I could.

Q. About how many of the sixteen do you think you could have opened, after you had furnished the keys to the locks?—A. I don't know that I had them in my own possession, I don't know but what I could have opened them all. Of course if you get a great package of these locks—my impression was—just let me explain a little about it. My impression was that there would be two boxes to every precinct in the county. There were sixteen of them, and I sent for a lock and key to each one of them. Don't you see?

Mr. TELLER. Yes, sir.

The WITNESS. But it turned out afterward, under a strict interpretation of the law, that you could not have but one box.

Q. You had duplicate locks, then?—A. In some instances we did; not different locks to each one of them.

Q. You tried some of those and knew that you could use two keys on one lock, did you not?—A. I don't know that I did, particularly. I had them in my possession and was using them and trying the locks.

Q. Did you not inform yourself in some way that that could be done?—A. I had the locks and examined them.

Q. Did you not know it at the time?—A. Of course I did.

Q. You knew that some keys that you still had in your possession would open some of those which had gone out? I ask you if you knew that fact, and not how you knew it?—A. Of course I could not help knowing that some locks were alike. I sent a lock and key to each box, and that was sufficient.

Q. The balance you retained, did you?—A. I kept them for a while.

Q. What did you do with them?—A. I left the locks down there, and some of them—I do not know where they are.

Q. What became of the keys?—A. I laid the keys and locks—I got rid of them. I had no further use for them.

Q. Did you never give anybody those keys?

The WITNESS. What keys?

Q. Was it not the fact that after the locks had gone out with the keys belonging to them, you had a lot of keys which you afterward delivered to somebody?—A. For what?

Q. I do not ask for what purpose you delivered them. I ask you if you did not give those keys to somebody?—A. I have not got them.

Q. Before the election did you not give those keys to some one in your section of the country?—A. I did not keep them in my possession. I had no further use for them, as a matter of course. After getting a lock and key for each box, that was sufficient for me.

Q. Did you not give some of those keys to other parties?—A. Have I got to answer such questions as that?

Mr. TELLER. Yes; I think so.

The WITNESS. I don't know; it don't seem to me that I should; I don't know much about law and courts and things like that.

Mr. TELLER. I think Mr. Kernan will say that there is no objection to it.

Mr. KERNAN. There is no objection. The Senator has some purpose, I suppose. He wants to know whether before election the keys were given to some one.

The WITNESS. I have not got any keys at all.

By Mr. TELLER:

Q. Did you not deliver some of those keys to somebody before the election?—A. I left the locks and keys down there. Some of them, I dare say, are there yet.

Q. But you do not answer my question as to whether you delivered any of them. Now you must know whether you did or did not give somebody some of those keys?

Mr. KERNAN. I do not suppose Mr. Teller means that you let some man take them when you did not want them, but he probably wants to know whether you let some person have them for some purpose or other. He means those keys which were not sent out, and which did not go with the boxes.

The WITNESS. You confuse me, gentlemen. I declare, I don't feel very well anyhow.

Q. (By Mr. TELLER.) You sent out the keys that belonged to the boxes, did you not?—A. I did.

Q. Then you had some locks in your possession, and keys?—A. I had a good many that I did not want.

Q. After you sent some of them out, you had some keys in your possession which would still open some of the locks that you had sent out?—A. I presume some of them would.

Q. Did you not deliver some of those keys to somebody else?—A. I don't think you can demand that.

Mr. TELLER. I think we are entitled to it.

Q. The keys looked alike. I never saw keys that looked alike that would not unlock the locks.

Mr. MITCHELL. I do not see what objection the witness can have to answering.

The WITNESS. I have not got any of them in my possession.

Mr. TELLER. That does not answer the question.

Mr. KERNAN. You could tell where they were before the election took place; that is exactly what is wanted. Did you leave them somewhere? The idea is that they were given to somebody with a view of opening the boxes. That is the point of investigation that Mr. Teller wants to follow out.

Mr. TELLER. I did not get it from Mr. Lester, I got it from somebody else, that he gave the keys to somebody. That is what I am trying to prove.

The WITNESS. This much I can say fairly and squarely, that I never intimated in my life to the supervisor of election any such thing.

Mr. TELLER. I am not asking you that.

The WITNESS. I never did such a thing.

Mr. TELLER. I simply asked you to whom you delivered those keys?—A. I do not know who has got them.

Q. (By Mr. TELLER.) Do you know that you parted with them before election?—A. I am not certain that I had any of them at the time of the election. I don't know where they are.

Q. Do you not know that there were parties in your section, before the election, that had some of those keys in their possession?—A. I never saw a man with one.

Q. Do you not know that to be so?—A. I never saw a man with one.

Q. Answer my question.—A. I have answered it. I told you that I never saw one. I never saw a man there that had one.

Q. Do you say that you do not think they had?—A. I cannot say what somebody might have had. I can say that—that those supervisors of election—I had no conversation with them in regard to it. I never said a word to them, and I never gave a single one of them a duplicate key.

Mr. TELLER. I do not charge you with that.

The WITNESS. I should like exceedingly to be excused from further examination. I feel very bad indeed.

Q. I want to ask you about this meeting at Raymond. Do you remember when that was?—A. I remember there was a meeting there.

Q. Did you have any of those keys before that time?—A. Yes, I did.

Q. The same ones that you said you might have had yet?—A. I had not sent out the boxes yet.

Q. Did you tell anybody before that time that you had keys that would open the different boxes?—A. No, sir; I did not say anything to anybody about that.

Q. Do you know whether that was known or not?—A. I don't know. I don't know when I received the locks. I don't know exactly when I got the boxes and keys.

Q. This man Cox or whoever got them, would probably know, would he not?—A. I don't know whether he would or not.

Q. Had he examined the locks when you got them?—A. I don't know.

Q. They came from him to you?—A. I don't know when this convention was held exactly. I cannot recollect.

Q. You do not say that it was Mr. Cox, do you?—A. I don't say what the man was. I am the poorest hand in the world to recollect names.

Q. Do you say you do not remember his name?—A. I am not certain what his name was.

Q. You say you did hear of this meeting at Raymond?—A. I know that a meeting was held there.

Q. And you talked with parties who had been there, and from them you learned what was under discussion, did you not?—A. I heard some talk of things up there.

Q. Do you recollect who you talked with?—A. I talked to a great many men.

Q. Who were the men who were present, if you recollect?—A. I talked to a gentleman.

Q. I refer to the meeting of the presidents of democratic clubs. Do you not remember the names of any of them?—A. Did you call on Mr. Barksdale?—A. No, sir. I did not see him down there.

Q. Did you have a talk with him afterward about what did occur there?—A. I don't think I ever talked with him on the subject.

Q. You never heard him say anything about it?—A. I don't think I saw him.

Q. Do you know whether he was present at the meeting?—A. He was down there, I know.

Q. Did you understand that he made a speech at the meeting?—A. I believe he did.

Q. Which Barksdale do you refer to?—A. Major Barksdale was not there. His son was there.

Q. That is, the young man, his son, was there?—A. His son was there. I don't think Mr. Barksdale was.

Q. Is he a democrat?—A. Yes, sir.

Q. An active democrat?—A. He is quite a leader, and the editor of a democratic paper, I believe; I was busy with registration down there.

Q. Do you not know from conversation that you had with men who were present, that that question of duplicate keys was discussed in that meeting?—A. I was not there, and did not hear anything.

Q. Did you not hear that that was the fact? Have you not, since that time, heard that they discussed that question about duplicate keys?

Mr. KERNAN. Heard in what way?

Mr. TELLER. From men who were present.

The WITNESS. What is it?

Q. (By Mr. TELLER.) Did you not know that after the meeting it was said that Mr. Barksdale had said that if the worst came to the worst, they had duplicate keys to the boxes? I ask you if you did not hear that? Was it not talked amongst others around outside?—A. I did not hear him say any such thing. I did not have any conversation with him on the subject at all.

Q. Did you not hear that he did say so?—A. I cannot recollect what was the statement in regard to it exactly.

Q. Did you not hear something of that kind talked about afterwards—that he had said that if the worst came to the worst they had duplicate keys to those boxes?—A. He had no authority to say anything of the kind; I did not have anything to do with getting the keys.

Q. But you knew that the keys had been got by Mr. Cox or somebody, did you not?—A. I may have known.

Q. Do you not know that he did know it, and that the subject was, as you understood, discussed there?—A. I was not present; I was busy with registration.

Q. You were not there; but did you not hear that that subject of duplicate keys was in discussion? Did you not hear outside that such a thing had taken place?—A. There might have been something said in regard to it.

Q. Do you remember from whom you heard it? Did you not hear it from several—that they did have that matter under discussion there?—A. I don't recollect who I talked to that day; I was very busy about my duties.

Q. Did you not hear it, not merely that day, but afterward?—A. I don't recollect who I talked to about it. I was not present at that convention and don't know anything about it.

Q. You do recollect that they discussed something about those keys, or that you heard so?—A. I had some conversation about what had occurred up there with somebody; with a gentleman, it seems to me, from the lower part of the county.

Q. About those keys?—A. I talked about a good many matters.

Q. Answer the question. Did he not talk to you about the keys?—A. I don't know. I think something was said about it. I don't know what it was.

Q. You do not pretend to have heard what occurred?—A. No, sir. I was not at the convention at all. I don't know what occurred.

Q. I understand that there was some talk around in private circles that the keys could be had. Was it not stated to you that Barksdale said if the worst came to worst, they could carry the county, because they had those duplicate keys, and that gave them access to the ballot-boxes. Was not that the substance of what was reported, that Barksdale had said?—A. I don't recollect exactly what was said on that subject.

Q. Was it of that nature?—A. I don't recollect what was said to me in regard to it exactly.

Q. Was there anything said of that general character or nature that I have inquired about?—A. I don't know but what there was some talk of the kind.

Q. Are you feeling so badly that you do not want to remain?—A. I do not; I feel excessively bad.

Mr. TELLER. If you do not want to cross-examine him, Mr. Kernan, I will let him go now and ask him some questions in the morning. I do not wish to keep him here if he does not feel like staying.

Mr. KERNAN. Very well. We will adjourn now. I only want to ask a few questions.

WASHINGTON, *February* 3, 1877.

JAMES T. LESTER'S examination continued.

By Mr. TELLER:

Question. Yesterday I was asking you about keys to the boxes. Do you know where those duplicate keys are now?—Answer. I have no idea in the world.

Q. Where were they the last you knew of them?—A. I disposed of them.

Q. Where were they at that time, when you did dispose of them?—A. I do not understand you.

Q. In whose hands were they last that you knew of them?—A. I gave them to different individuals.

Q. To how many individuals?—A. I do not recollect.

Q. About how many?—A. Ten or fifteen, perhaps.

Q. Do you remember any of them?—A. Any of the persons to whom I gave them?

Q. Yes.—A. They were nearly all strangers to me; men that I never saw before; the names of the men I have forgotten.

Q. For what purpose did you give them the keys?—A. I left that to them.

Q. Did you tell them what use they could make of them?—A. They knew without being told.

Q. What use did they know they could make of them?—A. I suppose they knew they might be used if necessary.

Q. Did you not have an understanding with them that if necessary they would use them?—A. It was not necessary to tell them. I do not recollect in a solitary instance exactly what transpired between me and any man to whom I did give one. It was amidst great excitement, and it is impossible for me to recollect exactly what did transpire in regard to it.

Q. Do you know that anybody had told them what use they might be put to?—A. I do not know that they had.

Q. What did you say to them when you delivered them the keys?—A. I could no more tell you than tell you something I never heard of.

Q. You told them what they were?—A. They knew, as a matter of course, what they were.

Q. Were they delivered to the officers of the election?—A. They were not in a solitary instance.

Q. But they were delivered to parties residing in the different precincts?—A. In some instances they were, and in some they were not.

Q. What did you have in view when you distributed them?—A. I knew well enough, at least. I never would have required one myself, and I know none were used at my box at all; there was no necessity for it.

Q. What use did you think these folks might make of them?—A. They might have used them or not. Of course there was but one use to which they could be put.

Q. What was that, to open boxes?—A. Yes, sir; of course.

Q. What was the politics of the different individuals to whom you delivered these keys?—A. I suppose they were democratic.

Q. All white men?—A. All white men.

Q. Did you not know they were all democrats?—A. I supposed they were. I told you they were strangers to me, and many of them I never saw before.

Q. You did not intend to deliver any of them to republicans, did you?—A. No, sir; I did not.

Q. Did these men call on you for these keys?—A. They did not.

Q. How did you come to give to this man and to the other man around the keys? Had there been any designation by anybody as to who the keys should go to?—A. The instance I recollect, and perhaps the same plan was pursued with every one else. I cannot recollect where the man was from. I simply slipped into his vest pocket a little package, telling him that he might find something there of use to him; that was all that passed between us on the subject; that circumstance I do recollect distinctly, but it is the only one.

Q. Was that all you said, simply that it would be of use to him?—A. That he might find something of use to him; that was all I said, and he did not ask me anything at all about it.

Q. Did that originate with you, or did somebody suggest to you the distribution of these keys?—A. It was by the merest accident in the world that I fell upon it. It was without consultation with anybody, without the advice of anybody, and without the knowledge of any one.

Q. It was understood pretty generally among the leading democrats

there, before you did distribute them, that they were to be distributed, was it not?—A. I never said a word about it.

Q. Do you not know the fact that it was canvassed and discussed there?—A. I do not think it was; generally it was not.

Q. You did not distribute them until after this meeting at Raymond, or did you distribute them before that meeting?—A. I cannot recollect for the life of me. I do not recollect exactly when that meeting took place.

Q. You know it had been discussed in private circles among democrats that the keys could be used?—A. I do not know that it had been.

Q. Did you never hear that matter discussed?—A. I never heard that it had been.

Q. Have you ever seen those keys since?—A. No, sir.

Q. Who was the man into whose pocket you slipped that key?—A. I could not recollect for the life of me.

Q. Did you do the key up in a package?—A. It was done up in paper.

Q. Did you write something on the paper you wrapped it up with, or did you just tell the man that it might be useful?—A. I just told him so.

Q. Did you write anything as to what key it was?—A. I do not know that I did; I am not sure.

Q. You do not remember who it was?—A. No, sir; I cannot recollect to save my life who the man was.

Q. Do you remember where the man lived?—A. I do not; I do not recollect anything about it. I merely recollect the circumstances.

Q. Was it a man you are acquainted with?—A. Somebody introduced me to him. I knew at the time who he was.

Q. Who had introduced him?—A. I do not recollect that, even.

Q. Had he not been designated to you as a proper person to deliver that key to?—A. I thought it was a man I could trust, of course.

Q. What did you expect he would do with that key?—A. I did not know that he would do anything at all with it.

Q. What did you think he would do with it? You say you told him that it might be of use to him. How could it be of use to him?—A. It might have been used. I have no evidence in this world that it was used.

Q. No, I want to know how it might have been used. It might have been used to open boxes?—A. Of course.

Q. That is what you referred to when you gave it to him and told him that it might be useful to him?—A. Of course I could not have had reference to anything else.

Q. You say you do not know whether it was used or not?—A. No, sir; I have no evidence that it was used.

Q. Did you ever hear that it was used, or that any of them were used?—A. I never did hear that they were used. I never talked with anybody on the subject.

Q. Did you ever talk to either of the Mr. Barksdales about this key business?—A. I said something to one of them.

Q. Which one?—A. The younger one.

Q. State what was said.—A. I do not recollect exactly; I could not for the life of me tell.

Q. When was that conversation?—A. It was before the election, but I cannot tell when.

Q. Before you had distributed the keys?—A. I do not know whether it was or not.

Q. Barksdale knew that you had the duplicate keys, did he not?—A. Yes, sir; he knew it.

Q. Can you not give some idea as to what that conversation was about, or whether it referred to these keys, or had anything to do with the matter? Is it not the fact that you discussed this question with Barksdale about the duplicate keys and told him that you had these duplicate keys?—A. I did tell him such a thing, and that was all that transpired between us.

Q. Do you remember what he said about it?—A. I do not recollect. I do not remember that he made any reply at all. I never saw him for five minutes at a time from the time the registration commenced until the election was over.

Q. Do you not know, before these locks and keys were sent for, that the matter was discussed, and it was determined to send for duplicate locks and duplicate keys?—A. No, sir; it was not. I sent for these locks upon my own responsibility.

Q. You never discussed the matter with anybody?—A. I sent for them without the advice or counsel of anybody.

Q. But had in view, in sending for this quantity, that you would have duplicates?—A. Not at first.

Q. That was an after-thought?—A. Entirely so; a plan of my own.

Q. To whom did you first communicate that plan?—A. I have no idea in the world; not the slightest.

Q. When did you first communicate it? Have you any idea about that?—A. It was sometime before the election. There was only one box at a precinct.

Q. Then it occurred to you that you could make these keys available?—A. Yes, sir; without knowing that it would be necessary at all.

Q. What do you mean by being necessary?—A. Without knowing that there would be any use at all for them.

Q. How could there be any use for them? One key was sufficient to open a lock, was it not?—A. Yes, it was.

Q. That key was in the hands of the proper officer, was it not?—A. Yes, sir.

Q. Now, what use could anybody outside have for this duplicate key?—A. There was but one use to which it could be put, as a matter of course.

Q. I want to understand what you mean by saying that you did not know whether it would be necessary to use them?—A. I do not know that that is what I wanted to say; the idea of necessity might not be correct.

Q. Do you mean that if there were too many republican votes, they might use the key to take some of them out?—A. Of course they could be used for that purpose.

Q. Is not that your idea when you say you did not know that it would be necessary to use them?—A. I suppose it is.

Q. Did you not discuss that with the prominent democrats there, and talk it over, that if it was necessary to take those votes out they should be taken out?—A. Of course, I endeavored to keep the matter as secret as I possibly could; I did not discuss it with anybody.

Q. You must have talked it over with somebody?—A. Of course I mentioned the fact. I had to mention the fact to some one.

Q. What was the idea if there were too many republican votes given; to take them out, and put democratic votes in their place?—A. To let them exercise their own judgment in regard to that. That was my idea.

Q. Those keys were for use at the polls at the time of the election?—A. Of course.

Q. How many men in your county were acquainted with the fact that

these duplicate keys were there, and in the hands of these men?—A. I have no idea how many.

Q. Can you give some estimate?—A. I had to communicate it to about fifteen men myself.

Q. One man for every box?—A. Yes, sir; not more than that.

Q. Some others must have known it; did they not?—A. Perhaps they did; I did not tell them.

Q. How many persons were present when Barksdale made that speech?—A. I have no idea. I was not there. I did not hear him speak.

Q. Can you give some idea as to how many clubs were in the county?—A. Perhaps fifteen, and maybe twenty-five. I do not know. I know of the existence of a great many myself.

Q. Twenty-five?—A. There might have been that many. I have no definite idea.

Q. Were you at Raymond the day of the meeting?—A. Yes, sir.

Q. Were you not in the room?—A. Not at all. I was busy with the registration. I did not go to the convention at all.

Q. You cannot say how many presidents of clubs were present?—A. I have no idea at all. There might have been ten, or there might have been twenty-five. I never inquired.

Q. When did you first hear of the fact that Barksdale had made this statement to the clubs, or at the meeting of the presidents of the clubs?—A. Shortly after the meeting.

Q. From whom did you hear it?—A. From some gentleman I met on the street; I am not absolutely certain who it was.

Q. Then you and he discussed the key question to some extent?—A. He just mentioned that fact to me, that suggestion or statement. We talked very little. I was very busy, and went off to my place of business.

Q. There was some apprehension that the negroes would vote the republican ticket and that you would not carry the county?—A. Of course, there was no telling how they were going to vote. I did not know.

Q. You do not know how they did vote, do you?—A. No, sir.

Q. At what precinct were you on election-day?—A. At Raymond, the county-seat.

Q. How many votes were polled at Raymond?—A. There were 491, unless I am mistaken.

Q. How many were republican votes of the 491?—A. I do not recollect exactly; less than a hundred, though—99, I think.

Q. Ninety-nine republican votes?—A. I think so.

Q. Leaving nearly 300 majority for the democrats?—A. Yes, sir.

Q. What has been the democratic majority at Raymond heretofore?—A. It was considerable last year. I do not know what it was before.

Q. What was it in 1875?—A. I do not know what it was.

Q. What was it before that?—A. I have no idea how the vote went at all previous to 1875; I paid no attention to it.

Q. What is the complexion of the vote at Raymond; a majority of whites or blacks?—A. There is a registered colored majority there.

Q. How many, do you recollect?—A. I do not.

Q. Were you about the polls on the day of election?—A. I was at the polls all day.

Q. It was your duty to be there?—A. Yes, sir; it was my duty as supervisor to be there.

Q. Who had the duplicate key at Raymond?—A. There was no duplicate key for Raymond.

Q. You kept that yourself?—A. I did not provide any for it.

Q. There were fifteen polling-places besides Raymond?—A. Yes, sir.

Q. You say you do not remember who the judges were at the different precincts outside of Raymond?—A. Not all of them; I could not tell.

Q. Do you know whether all the judges of election had those duplicate keys that you delivered? Did you not deliver to some of the judges of election or inspectors or clerks duplicate keys?—A. Not in a single instance that I recollect.

Q. They were the people who were not officers of the election?—A. Yes, sir.

Q. Do you know whether in other sections, in other counties, they had duplicate keys or not?—A. I have no knowledge of anything of the kind, and never heard the matter discussed.

Q. You have never heard anything of it?—A. No, sir; I have not.

By Mr. KERNAN:

Q. Prior to your sending off these keys, as I understand you, there was no talk with anybody about having more keys than were legitimately required?—A. No, sir; I said nothing of the kind to anybody.

Q. And when you sent to get two boxes for each polling-place you learned, as you expressed it, of what was thought the right construction of the law, that there could be but one box?—A. Yes, sir.

Q. When you sent for them you supposed there were to be two boxes?—A. That was the general impression there. There had nearly always been two boxes at every precinct.

Q. So that in sending for them you had no design of having anybody do anything wrong, or of doing it yourself?—A. I never dreamed of such a thing at first.

Q. And you sent for thirty-two locks and thirty-two keys?—A. I do not know how many I got. I did not know at the time how many precincts there were.

Q. What were you doing at Raymond on the occasion when the meeting of the presidents of the clubs occurred?—A. I was registering the voters of the Raymond election-district.

Q. And you have two capitals in your State and two county-seats—one at Jackson and one at Raymond?—A. Yes, sir; two court districts.

Q. What we call North a half-shire county. That is, you have two court-houses, and courts held at each place?—A. Yes, sir.

Q. You were there attending to the duties of registration?—A. Yes, sir.

Q. And you did not attend the meeting?—A. No, sir; I did not have time to do it.

Q. And you heard nothing at that meeting?—A. Not a word.

Q. Prior to that had you ever heard or said anything in reference to the improper use of the keys in any way?—A. I talked hardly to anybody on the subject.

Q. Had you said anything to anybody about using them improperly?—A. I do not know that I opened my lips in regard to that. I never told a man to use one.

Q. About how long was that meeting before the election, if you remember?—A. Perhaps as much as ten days. I cannot remember exactly how long.

Q. Do you remember how long before the election you sent out the boxes and keys which you sent out to the officers?—A. Only a few days before; I did not send them all out the same day.

Q. But a few days before the election ?—A. Only a short time before.

Q. You sent only one key and one lock and one box to each district ?—A. Yes, sir.

Q. Have you any knowledge that any of the supervisors of election or any of the officers who conducted the election in the other precincts had these duplicate keys, or used them ?—A. I studiously avoided any conversation on the subject.

Q. Have you any knowledge about it at all? I do not care whether you avoided conversation or not.—A. I never inquired.

Q. I ask you simply had you any knowledge that any of the supervisors or other officers who conducted the election in the other precincts had these duplicate keys or used them ?—A. No, sir; none whatever.

Q. Was there any duplicate key used at the polling-place where you were an officer ?—A. No, sir.

Q. Was there any changing of ballots there at all ?—A. Not a particle. The box was kept open as the law requires until the time of closing, and in the presence of the supervisors, and clerks, and United States supervisors, and other persons, it was sealed up and deposited in the vault of a merchant, and then opened as the law required it should be. That is the only box I had anything to do with, and I am positive there was nothing wrong as to that.

Q. There was nothing wrong as to that ?—A. Not a thing.

Q. And the votes were fairly counted ?—A. Perfectly so, and there was but one irregularity in regard to it at all. In one instance where a vote went in, we saw or thought we saw two ballots rolled up together. We asked the man if he did not have two ballots there; he said no. The United States supervisor and others said they thought he had, but the man still said he had but one. On opening the box we found two votes rolled up together, and we threw them both out.

Q. So, according to your knowledge, at your own polling-place the vote was fairly, legally, and regularly put in the box and canvassed ?—A. I am absolutely certain about my own box.

Q. And you have given what the majority was there ?—A. Yes, sir.

Q. The democratic majority in your polling place was larger than it was in 1875 ?—A. I think it was.

Q. You cannot tell how much ?—A. I cannot tell how much; and previous to 1875 I could not say, for I paid no attention to it.

Q. When first did any one talk with you about these keys—within the last two months I mean ?—A. I have not mentioned the subject that I know of.

Q. You told no one what you knew ?—A. No, sir.

Q. When were you summoned to come here ?—A. I was summoned, I think, on the 22d.

Q. Of January ?—A. Yes, sir; of January.

Q. Who summoned you ?—A. The subpœna was served by a man named Mayo.

Q. Who is he and where does he live ?—A. He lives at Jackson.

Q. Is he a republican or a democrat ?—A. A republican.

Q. Do you know who suggested your name as a person to be summoned ?—A. I do not know.

Q. Did you have any talk with Mr. Mayo when he summoned you ?—A. No, sir; I had no conversation with him in regard to it.

Q. Did you tell him anything about the keys ?—A. I never had a conversation with him in regard to it.

Q. Since you came here have you had a conversation on the subject of these keys with any person ?—A. No, sir; I have talked very little to anybody about it.

Q. Have you talked with Mr. Fisher?—A. He has not mentioned the subject of keys, or said a word about anything in regard to it. I asked Mr. Shaughnessy before I left home what he expected to prove by me, and he told me the committee would let me know when I got here.

Q. Who was Mr. Shaughnessy?—A. The candidate for Congress in our district against Colonel Hooker.

Q. As I understand you, until you came on the stand yesterday you had not talked with any one on the subject?—A. I have been asked by a great many persons if I had been before the committee.

Q. I mean as to this matter of the keys?—A. Not a syllable; I did not mention the subject, not even to my own friends, to Colonel Hooker, or Mr. Singleton.

Q. Colonel Hooker never heard it from you until he heard it on the stand, did he?—A. Not a syllable.

Mr. TELLER. You mean that Colonel Hooker did not know anything about the duplicate keys?

Mr. KERNAN. I say, so far as the witness knows, Colonel Hooker did not know anything about it until he heard it mentioned yesterday on the stand?

Q. (By Mr. KERNAN.) You heard at some time, as you stated in substance, I think, that Colonel Barksdale, at this meeting of the clubs, had said something about their being duplicate keys?

A. I did hear that.

Q. Do you remember from whom you heard it?—A. I am not absolutely certain.

Q. Did you hear it that day?—A. Yes, sir; on the day of the meeting.

Q. Did you hear at the same time that, when he made that statement, several of the presidents of the clubs objected to anything of that kind?—A. I did hear that.

Q. You heard at the same time that other members or presidents of the clubs objected to anything of that kind?—A. There was an objection raised to it.

Q. Mr. Barksdale, you say, is a young man?—A. Yes, sir.

Q. What is his full name?—A. His name is Harris Barksdale.

Q. He is the son of whom?—A. He is the son of Maj. Ethelbert Barksdale.

Q. About how old a man is the son?—A. Somewhere about thirty years of age, I should judge; I do not know how old he is.

Mr. TELLER. He ought to have arrived at years of discretion.

Mr. KERNAN. Yes. He is old enough.

Q. (By Mr. KERNAN.) Did Harris Barksdale act with the republican party two years before 1876?

A. He was a member of the republican club.

Q. In what year?—A. I am not sure whether it was in 1874 or 1875.

Q. He acted with the republican party and with the republican club, did he not?—A. He was a member of the club. I do not know what party he voted with.

Q. He was a member of the republican club?—A. Yes, sir; he joined the republican club at Jackson.

Q. A well-known member of the club, was he not?—A. Yes, sir.

Q. Did he not do that in 1875?—A. Perhaps he did; I am not sure; I was very little about town then, and do not recollect; I took little or no interest in such matters then.

Q. I ask whether he did not act with the republican party, and whether he was not a member of that club from 1872 to 1875?—A. I have no idea how long he was a member of it.

Q. You say you did hear at the time you heard that Barksdale made the statement about the keys to the presidents of the clubs, that they objected, or some of them objected ?—A. Yes, sir; there was an objection made.

Q. Was Barksdale the president of a club ?—A. He was not.

Q. He was a member, but not a president ?—A. He might have been a member of two or three clubs, but he was not president of a club, I am sure.

Q. According to your knowledge and information, he acted with the republican party up to 1875 ?—A. I do not know how long he was a member of that club. I could give no idea.

Q. Do you know whether he was a member of more than one republican club ?—A. I do not know.

Q. You do not know one way or the other ?—A. I do not; I very seldom saw him, and had very little conversation with him for several years.

Q. Can you name to me any one that you talked with, or talked with you, about these duplicate keys before the election ?—A. I talked with Mr. Barksdale.

Q. Harris Barksdale ?—A. Yes, sir.

Q. When was that; before the time of the Raymond meeting ?—A. It was before.

Q. How long before ?—A. I do not recollect exactly; I cannot tell.

Q. Where did he see you ?—A. I met him on the street in Jackson.

Q. What was the talk between you ?—A. We only talked a few minutes, and I do not recollect exactly what he said, except that he asked me what I thought about it.

Q. Thought about what ?—A. The election. I told him that I thought we would carry it, and in the course of the conversation I told him that I had these keys.

Q. How came you to tell him that ?—A. I told him voluntarily.

Q. Had you then sent out the boxes ?—A. I had not.

Q. What else was said about the keys after you told him that you had them, if you did tell him ?—A. I do not recollect exactly what the conversation was. I do not recollect what other subject was mentioned besides that.

Q. Was there any talk about your acting dishonestly or corruptly ?—A. Not a word upon that subject. I only met him on the street and talked with him a few minutes.

Q. And you mentioned the fact that you had those locks and keys ?—A. Yes, sir.

Q. Was there any talk about any improper use of them in any event ?—A. I did not say a word to him on the subject.

Q. He said nothing to you about using them improperly ?—A. As I recollect, he just shrugged his shoulders, and he went one way and I the other.

Q. And the next you heard of it was this meeting of the presidents of the clubs ?—A. I do not recollect that there was any mention made of it until that meeting.

Q. From whom did you hear what was said at the meeting when he made this suggestion and others objected ?—A. It was some gentleman from Jackson. I cannot say positively who it was.

Q. Now, then, was anything talked with you afterward about these keys but before the election; and, if so, by whom ?—A. I talked very little to anybody about it.

Q. Can you name anybody that you talked with about it ?—A. I am sure I talked to a man named Robinson.

Q. Who is he?—A. He is almost a stranger to me.

Q. Where does he live?—A. Somewhere up in the northern part of the county—the northwestern part, I think.

Q. What is his first name?—A. I do not know.

Q. What was the talk between you and him?—A. I do not recollect what transpired exactly. I think Mr. Robinson was the man into whose pocket I slipped a key, but I am not sure.

Q. Was anything said about it at the time of slipping it in, or before, or afterward?—A. There was conversation, but I do not recollect exactly the purport of it.

Q. Did he hold any official position about the election?—A. No, sir.

Q. Have you any knowledge what he did with that key?—A. I have not.

Q. Have you any knowledge that it was used?—A. No, sir.

Q. Whom else can you name to whom you gave, in any way, either of those keys, aside from those that went out regularly?—A. I gave one to a man named Ennis.

Q. What is his first name?—A. J. W. Ennis, I believe.

Q. Where does he live?—A. He lives at Cayuga.

Q. In your county?—A. Yes, sir.

Q. Was he in any way connected officially with the election?—A. I think it likely he was on the day of election.

Q. In what capacity?—A. I do not know whether as judge or clerk.

Q. Do you know that he was either?—A. I am not sure; I think he was.

Q. Do you know whether he used the key or not?—A. I have never seen or heard of the man since.

Q. What polling-place would he be at?—A. Cayuga.

Q. Do you remember anybody else to whom you gave a key?—A. I think I gave one to a man named Dameron.

Q. Where did he live?—A. He lived near Jackson; but I cannot swear that I gave him a key.

Q. What is his first name?—A. I do not know, sir.

Q. As to the man into whose pocket you put the key, did you just slip it in his pocket without making any remark?—A. I think I just met him and handed it to him and made some remark, but I have no idea what it was.

Q. Who suggested to you to do anything of this kind?—A. Nobody. It originated with me.

Q. It was on your own motion?—A. Yes, and accidental at that.

Q. Accidental, how?—A. I just happened to think about it.

Q. You gave him a lock and key, or only the key?—A. Only the key.

Q. Where was this man Dameron a voter?—A. He votes at Tinnin.

Q. Was he an officer of the election?—A. He was not.

Q. And as to him, you do not know whether there was any use made of that key by anybody or not?—A. I have no idea that there was any use made of that key at all.

Q. Who else, if you remember, did you give one to?—A. I gave one to a man named McCray or McCree.

Q. What is his first name?—A. I do not know; he lives at Terry.

Q. Is that the polling-place of that precinct?—A. Yes, sir.

Q. Who was he? Was he an officer of the election?—A. I do not think he was.

Q. Do you know whether that was used for any purpose whatever connected with the election, or tampering with the box?—A. I do not

know whether any of them were used. I was at Raymond and could not see anything about it.

Q. You say nobody urged you to do this, but you did it of your own notion?—A. Of my own notion entirely.

Q. No democrat counseled with you or suggested to you to do it?—A. Not one. I did not ask anybody's advice on it.

Q. And the only man you heard talking about it was this man Harris Barksdale?—A. He is the only man that I heard had mentioned it.

Q. In selecting the republican supervisors and officers of election-precincts, I ask you whether you intended to get upright, reputable men, or not?—A. I intended always to get sound republicans, and always asked for them.

Q. And democrats? Did you mean to appoint honest, reputable men on the democratic side?—A. I asked for the best men that could be given me for those positions.

Q. And on the republican side you got as intelligent a republican, who was a colored man, as you could?—A. Any man who was a sound republican.

Mr. TELLER. He said he excluded all the "carpet-bag" republicans.

Mr. KERNAN. He took the "home folks" I think he said.

Mr. TELLER. The natives.

Q. (By Mr. KERNAN.) Were you disposed to give it to one of the home republicans if you could get one of those?—A. I always asked to have a man who was a sound republican from every neighborhood, and there was but one man that I knew much about, or two men that I knew much about personally. I appointed in the county some colored men. I knew the others, but not much about them.

Q. Has there been a change of republicans joining the democrats for the last two years in your county?—A. Yes, sir.

Q. And about the colored men joining the democratic clubs in 1876? About how many did that?—A. I do not know how many.

Q. Did some colored men act with the democratic clubs?—A. Yes, sir; I know that they did. I only know with an absolute certainty with regard to one box——

Q. I understand that; but in going about did you learn the fact that there were colored men who were joining the democratic clubs in 1876?—A. Yes, sir; I stated that yesterday.

Q. Do you know the fact of a place called Utica? You held registration there?—A. Yes, sir.

Q. What did you learn there about the colored men joining the democratic club?—A. There were but fifteen registered who did not join the democratic club. It is the only box that I know particularly in regard to.

Q. What was the relative voting population at Utica between whites and blacks? Which are in the majority?—A. I am not sure, but I think the colored people, though, are slightly in the majority.

Q. About what was the entire registration in that precinct?—A. In the neighborhood of four hundred, I think.

Q. And about at least half were colored men?—A. I think so.

Q. According to the information you got, all the colored men who registered but fifteen joined the democratic clubs?—A. I do not know that in regard to Utica, and I do not know anything else about it. I merely recollect that because I happened to be at Utica when there was a club-meeting, and was told that, and saw them there. There were fifteen republican votes cast at Utica, and that verified the statement

made when I was there. That is the only one that I know of particularly in the county.

Q. Has there been a decrease in the colored population since 1872 or 1873?—A. I think there has been some decrease. As I stated yesterday, a good many of them have gone to the river counties. I do not know how many, but I know a few in my locality. That is as far as I could say.

Q. In your own precinct there, Raymond, can you tell me which predominated, the colored or white voters?—A. I am not certain.

Q. About how does it stand?—A. I think the colored people have a majority there also.

Q. What do you say as to the number of colored men there that acted with the democrats in that election?—A. They acted with them pretty generally.

Q. Did they join democratic clubs?—A. Some of them were members of the club; I do not know how many. I never attended but one club-meeting at Raymond, and that was a very small one.

Q. But in the voting there you think a majority of the colored men voted the democratic ticket?—A. There were only ninety-nine republican votes polled at Raymond.

Q. But I wanted to know if there were more colored men than ninety-nine that voted there?—A. There were more than ninety-nine colored men registered, I know.

Q. About how many colored men were registered?—A. I do not recollect the registration there. I have no definite idea of it. I have known exactly the numbers at each place, but I cannot recollect now.

Q. You say you did attend a democratic meeting—at what place?—A. At Raymond.

Q. Where there were colored men joining in the democratic meeting?—A. There were very few that day.

Q. Was Mr. Snead one of the registrars?—A. Yes, sir.

Q. Had he been a republican prior to 1876?—A. I think he has always been a republican.

Q. What did he say about voting at this election? I have no idea what his feeling were about which party should succeed.—A. He seemed to think beforehand that it was going against his side. Snead himself said so.

Q. Was he gratified or dissatisfied with that, or did he say?—A. I do not know.

Q. What did he say about how the colored people were voting?—A. I heard him say very little upon the subject.

Mr. TELLER. I do not think that very good evidence.

Mr. KERNAN. I do not either, but it is as good as a great deal we have here.

Q. (By Mr. KERNAN.) Do you not remember that there was a very large meeting at Raymond early, and that probably there were six or seven thousand people there?—A. There was a very large meeting there.

Q. Who spoke at that meeting?—A. I think perhaps Colonel Hooker did. Major Barksdale was to have spoken. I was not present at the meeting myself. My duties were such that I could not get away from home.

Q. Are you able to tell what number of colored men were in the procession on that occasion?—A. I do not recollect; a great many, as I understood.

By Mr. TELLER:

Q. You were not there?—A. I was not there at all. I was very busy at the time, and could not go.

By Mr. KERNAN:

Q. How has Jackson been as to being republican or democratic prior to 1876, if you know?—A. We have had a republican mayor for a good while. I do not know how long.

Q. What do you know as to whether there was or was not a change among the voters there from the republican to the democratic side?—A. I was very little about Jackson, and do not know.

Q. Are you able to say on that subject?—A. I cannot say what the change was.

Q. Was there any?—A. I presume there was some change.

Q. If you know about it, I want to ask you how did the vote go, democratic or republican?—A. There was a republican majority of six at one box.

Q. How was it in the entire precinct?—A. Democratic.

Q. By how much?—A. I do not recollect.

Q. Do the leading republicans of your county live there, or a large number of them?—A. A great many of them live there, several of them.

By Mr. TELLER:

Q. You say that you understood that some of the presidents of the clubs objected to Barksdale's plan at Raymond?—A. Yes, sir; I do not know who nor how many.

Q. Do you know what reason they gave?—A. I do not.

Q. Did not some of them give the reason that it was too public, that it would get out?—A. I had not more than three minutes' conversation about it. Just exactly what occurred about it was this, that some of them raised the devil about it.

By Mr. KERNAN:

Q. That was what was told you?—A. That is exactly what was said to me. I was crossing the street from the court-house to another point when a gentleman told me this, and that was what he stated.

By Mr. TELLER:

Q. That some of the presidents of the clubs raised the devil about it?—A. Yes, sir.

Q. Did you tell him that it ought not to have been mentioned there?—A. Of course I did. I would have nothing more afterward to do with it.

Q. You thought they were making it too public?—A. I thought that was a very improper place to say anything on the subject.

Q. It was very imprudent—was not that the objection—to talk about it in so public a manner?—A. I thought it was decidedly improper to say anything on the subject in such a place.

Q. Who told you about this?—A. I cannot say positively.

Q. Did Barksdale ever tell you what occurred there?—A. No, sir; I never had but very little conversation with him about it. I do not recollect what transpired between us upon the subject. I did have something to say to him upon the subject, but cannot recollect what.

Q. You say Barksdale was a republican at one time?—A. He was a member of the republican club.

Q. And at the same time he was associate editor of a democratic paper?—A. One of the proprietors of it.

Q. One of the proprietors and one of the editors too?—A. He was local editor of the paper.

Q. He is still an editor of the paper?—A. He has some interest in the paper; I do not know what.

Q. Is he not the political editor of the paper at the present time?—A. No, sir; and never was.

Q. With his father?—A. His father is the editor of the paper.

Q. And he is associated with his father in the publication and the editing of the paper?—A. It is conducted by three gentlemen—him, his father, and another.

Q. Do you not know that his name is at the head of the paper as one of the editors?—A. That is a well-known fact.

Q. He, his father, and this other man?—A. Yes, sir; his name is at the head of the paper as one of the proprietors.

Q. And one of the editors?—A. I do not recollect how that is.

Q. You say that you talked with Robinson about these keys, and you think he is the man into whose vest you slipped a key. Where does Robinson vote?—A. I think at Brownsville.

Q. Do you know a man in your county by the name of Marion Smith?—A. Yes, sir.

Q. Where does he reside?—A. At Jackson.

Q. Did you not give him a key?—A. I did not.

Q. Do you know a man by the name of Oliver Clifton in your county?—A. I do.

Q. Where does he reside?—A. In Jackson.

Q. Did you give him a key?—A. I did not. They are two prominent men—I never mentioned the keys to either of them—and Marion Smith is the last man I would ever have spoken to on that subject.

Q. Why?—A. Because my acquaintance with him is not sufficient to allow me to do it.

Q. Do you know whether they had keys, or either of them?—A. I do not know what anybody did with them. I did not inquire.

Q. At Jackson do you remember with whom you left the key?—A. I did not give anybody in Jackson a key.

Q. You gave it to this man Dameron, or some such name, near Jackson?—A. Yes, sir.

Q. Was Jackson his voting-place?—A. No, sir—Tinnin.

Q. How far from Jackson is that?—A. About three miles.

Q. Are you able to say who had the key at Jackson?—A. I gave the keys for Jackson——

Mr. KERNAN. The duplicate or the original?

Mr. TELLER. The duplicate, I mean.

The WITNESS. I gave the keys for Jackson to a man named Holland, or a man named Stewart—I do not know which.

Q. Do they live at Jackson?—A. One of them does. I do not know whether the other resides there or not.

Q. Are they democrats?—A. Yes, sir.

Q. What is Holland's given name?—A. W. T.

Q. Does he go under the name of "Tuck Holland?"—A. Yes, sir.

Q. Who is Stewart?—A. Dr. Stewart. I think his given name is William, though I am not certain.

Q. Is he the son of Colonel Stewart?—A. Yes, sir; he is a son of Colonel Stewart.

Q. Those keys have never been returned to you?—A. No, sir; I have never had one of them in my possession.

Q. Since you parted with them?—A. No, sir, I have never had one of them since then.

Q. I believe you stated you did not know where they were?—A. I have no idea.

By Mr. KERNAN:

Q. Was the election in your county peaceable and quiet, or otherwise?—A. I heard of no disturbance at the last election.

Q. Had you troops stationed at Jackson and Raymond, and all along there, on election-day?—A. There were no troops at Raymond where I was.

Q. Were there at Jackson?—A. I think there had been two or three companies stationed there for a long time. They are not there now.

Q. Were they at Bolton, and Clinton, and Tinnin, and all along the road?—A. There were some at Tinnin, I understand.

Q. You heard or knew of no disturbance in the county at all?—A. I do not think there was any.

HENRY OUTLAW sworn and examined.

By Mr. TELLER:

Q. Where do you reside?—A. In Oktibbeha, Mississippi.

Q. How long have you resided there?—A. I am 45 years old, and have been there since I was about seven years old. I have been there nearly forty years I guess.

Q. Were you a slave up to the time of the emancipation?—A. Yes, sir.

Q. What place in Oktibbeha County do you reside in?—A. At the time present, I am living on a gentleman's place by the name of Homer C. Powell.

Q. Who is he?—A. The sheriff of our county.

Q. Did you reside there in 1876, during the campaign?—A. Yes, sir, I have been there for going on six years now.

Q. Do you know of any threats being made against colored people there if they did not vote a certain way, or any violence committed upon them? If so, state what you know about it.—A. I know so much that I am afraid to tell what I know. I am afraid I could not live there if I got back; that is the fact about it.

Q. Go on and tell the particulars.—A. I was at Starkville the third Saturday in September, the 23d of September, 1876. I believe it was with the executive committee. They gave me a commission, I being president of a club, to call the club together to select delegates to meet the conventions at Okolena on the 27th of September, I believe it was to be. The Saturday following I appointed as the day to get the club together and to get the delegation ready to meet the convention on the 27th at Okolona.

Q. Go on.—A. I went to a place they call Chapel Hill, the church where I always transact all my business. I went there in the morning, about 8 o'clock, I think it was, and we drummed there a while to get the company together, as we usually do when we have meetings. I was there, I suppose, until about 11 o'clock, until I got some twenty-four together, and we proceeded then to go through with the business that we went there to attend to; and whilst we were there in the church transacting business, there came twenty-five white men—democrats I call them, because they are all democrats I suppose—who came from a place below, where Mr. Muldrow had a speaking that same day.

Q. Where who had a speaking?—A. Colonel Muldrow.

By Mr. KERNAN:

Q. At the meeting where Muldrow spoke?—A. Yes, sir; they came from that meeting.

By Mr. TELLER:

Q. Go on.—A. They assembled themselves, formed themselves in a regular line before the church-door, sat there, I suppose, as near as I can get at it, some ten or fifteen minutes, and nobody said anything during that time. Then they went down to the mill. There is a mill there, distant from the church I should suppose about seventy-five or eighty yards or around there. They marched down to that mill, and what for I cannot tell. They were there but mighty few minutes before they came back right before the church again, sat there on the horses a little while, and a gentleman named Thomas Peters said, "All right; all dismount and go in but number ten." They all dismounted, I suppose, and came in the church. When they came in the church what few men of mine were there pretty much all went out the door, as something had occurred that never had happened there before. They did not know what that meant, I suppose, and they went out. As these white men came in, they took the right-hand side of the church and sat there a few minutes and said nothing to anybody. I was sitting at the table next to the pulpit. A young gentleman by the name of—I do not want to be wrong about it—I will tell you his name presently. You will have to wait on me a little because I want to tell it just like it is.

Q. If you do not remember his name, it does not make any difference; pass it.—A. I cannot think of his name just now, but I know it very well.

Q. Never mind his name. You may think of it afterward.—A. He got up and came down to the pulpit where I was sitting down at a table and said he, "Henry." Said I, "Yes, sir." Said he, "Are you the president of this club?" And I said, "Yes, sir." "Well," said he, "we have got a club, too."

Q. He said so?—A. Yes, sir; he said so to me. The next word he said was, "We have got a club; come and join us." "Well," said I, "I cannot do that. I have been a member of this club for the last eight or nine years and cannot do that." Said he, "Why?" Said I, "Because we are of different parties." Said he, "What sort of parties? How are we of different parties?" Said I, "You propose to be a democrat and I cannot be one, and I wish to be a republican." He said, "That did not make any difference." And I told him I could not do that. That is all I think he said in the church then.

Q. What next?—A. We then proposed to go off. We could not do what we went there to do, and the colored people being excited, all left there pretty much; and after a while a few of them said to me, "What else could we go through with to-day? Could we finish up our delegation affairs?" "No," said I, "the people have nearly all left and we will have to put it off to another time;" and I specified the time when to meet there again, and we agreed then to Tuesday morning at eight o'clock. Then we all broke up and we and the white people all went outdoors. The white men formed themselves in a regular line before the church-door and the few colored men there were backed up against the side of the house there, and drummed as they usually do when they get through business, and during the time they were beating the drums Thomas Peters and another gentleman there made an attempt to charge the drums.

Q. To do what?—A. Made an attempt to charge the drums.

Q. What do you mean by "charge the drums?"—A. Take them away from us. They had been debating it and said that was what their business was there, to take our drums and cut them up.

Q. Did they do that?—A. They did not do that. Mr. Peters made

an effort to try to get the drums, but another gentleman caught him and told him that was wrong, and not to do that. When he made that trial to get the drums and could not get them he called a colored man by the name of Martin Washington and said, "Martin, those drums have got to be stopped."

Q. Who said so?—A. Mr. Peters said these drums have got to be stopped. Mr. Washington said to him, "Do not talk to me about the drums. I am not president of the club." I was standing off about ten steps from him. Said he, "Talk to Henry about it." And said I, "Mr. Peters, what harm will the drums do?" And said he, "By God! do you know the sign of beating these drums?" I said, "No; I do not know. I know what I beat them for. It is the way we get our men together when we are going to attend to business. We all cannot read and write, and that is the way we get them together." Said he, "By God, those drums must stop."

Q. Who said that?—A. Mr. Peters said that. He said that beating drums meant war. Said I, "I did not know that." Said he, "That is what they mean, and, by God, we are going to have those God damned drums stopped, or shoot your God damned head off, right soon." Said I, "Mr. Peters, the drums are all right here now, and you can get us right now;" and then I said, "Well, gentlemen, if the drums are a terror to the country, for peace and harmony in the country I will have the drums stopped, if that will give general satisfaction and peace in the country." He said, "By God, we intend to have them stopped and you too." I said "that was all right." That was the last of the day-fracas, now. That is the substance of what was said in the day.

Q. Go on.—A. The white people went away from there then. I do not know where they went to, but they went west from where I was. What few of the colored people there were left talked over the matter. Some more of the colored people came there then.

Q. When was this?—A. This was afterwards.

Q. The same day?—A. Yes, sir; the same day. After we broke up we were standing there talking and some more of the colored people came up, and I was telling them what had occurred, and so they said, "When are you going to meet again?" Said I, "We promised to meet on Tuesday morning at eight o'clock." "Well," they said, "the delegation won't have time to get up to Okolona; they will have to go next morning;" and they said I had better call a meeting again this evening. "If they will come I will do it," said I. Then I went home to dinner and told them to meet me at that church between half an hour by sun and sunset. I went home and got my dinner and staid home, I guess, until the sun was nearly in the trees. The sun was down when I got there; it was near dusk and there were some few of them assembled, but no more, I think, than there were in the day. When I got there the first thing I said to them was, "Have you got any light?" Said they, "No." "Well," said I, "how can you do business if you have no light? I cannot do anything without a light. I have got none." Then I said, "It is just as I said before; you must meet me here on Tuesday morning. We cannot do anything to-night." This time I went on home. My wife had been at some of her acquaintances', and I met her and went home with her. It is only about three-quarters of a mile from the church to my house. The colored people all went down the road drumming. I went across the field. I had to go across the field east to my house from the church, and I was there I reckon about an hour, may be a little more, may be a little less, and I heard the drums again up

at the same place, at Chapel Hill. My wife said to me, "There are drums beating back at the church; you had better go back and see about the drums, or the white folks will go up there and kill you all if you don't have those drums stopped." I said, "I told them not to beat the drums, and I am going there to stop them again;" and I just pitched off and cut across the field, not more than three-quarters of a mile from the church, and when I got about half the distance the drums ceased knocking. I kept on, and when I got there they were speaking. A man by the name of Peter Lowry was speaking on a little knoll.

Q. A colored man?—A. Yes, sir; a colored man. He was speaking on a little knoll near the church, not more than ten steps. It is a little knoll where a blacksmith shop has been, with cinders and things lying around, but it was sold out about twenty years ago. The people had assembled themselves, and there were more there then than there were when I went there early in the day. I went over and went right behind where they were assembled, on this little knoll near the northeast corner of the church. There was a big stump right at the corner of the church. I went up and took my seat on that stump. I do not suppose any of them knew I was there. They knew I had dismissed them and gone over home. I was very careful and sat down and said not a word to anybody. I reckon I had been there about five minutes when some white men came from the east part of the road by Mr. Spencer's mill-house—that is where they were when I first saw them—and they came up by a little store right there, not a hundred yards apart. There were two wings of them. The road was just like my fingers, four forks; they are this way, [illustrating,] and right there is the store. There were two wings. One wing stopped on the west side of the road, and the other got over the fence and came along and crossed over to the east side of Mr. Spencer's store, and came down to the store and crossed over right at the forks. There was a fork there running east, [illustrating,] and then the fork running south. There was a church right up there. They were just in that kind of disposition. They had a left-hand wing and a right-hand wing, you may say, and had penned us colored people. The right-hand wing waited until the left-hand wing got around. I suppose they had agreed to make a charge. I do not say that it is so, but from the course they took it looked mighty like it.

Q. What did they do then?—A. When they got back where the colored people were assembled, they had them right in a pen, and Mr. Peters was the man that said "Fire," and from that they fired until the firing came up along the line; and I cannot tell you where the black people ran to, but some ran over one another, and some hallooed, and I do not know what they did; but I know what I did.

Q. What did you do; did you run off?—A. No, sir; I was at the corner of the church.

Q. Did you run away?—A. I did not run, but I went right across the church door and took the church between me and them.

Q. You got behind the church?—A. I got behind the church.

Q. Did they hit you?—A. They hit me with three shots.

Q. Where did they hit you?—A. They hit me right through the pantaloons here, [pointing.]

Q. You mean near the thigh?—A. Yes; one hit my thigh; one hit my hat; and another one struck me right on the bone blade.

Q. The shoulder-blade?—A. Yes, sir.

Q. What were they, buckshot?—A. The shot that went in my hat looked like a squirrel-shot. The one in my thigh was too big for that. It was a bullet.

Q. Did it go into the shoulder-blade?—A. No, sir; just grazed the skin.

Q. Was anybody else hurt?—A. Yes, sir; there was seventeen killed and wounded altogether.

Q. How many were killed?—A. I will say there was one man killed, and he was not killed either, but he was killed afterward.

Q. He died?—A. He was shot down, and could not get out of the way, and when these men shot out, they ran back of Mr. Spencer's house and reloaded and came back again.

Q. And fired again on them?—A. Fired again on him, because he was there and could not get away. I was there behind the church looking on, and the man that did it I am acquainted with very well.

Q. How many men fired at him?—A. None but the one.

Q. Who was that?—A. The man that charged him last and killed him was Bogan.

Q. Is he the man that runs the mill?—A. He is the man that runs that mill there.

Q. Did he kill the man, then?—A. Yes, sir; I want to tell you what he said. He was leader, and in coming back from Mr. Spencer's house, he got right between Mr. Spencer's house and the church, and he said to the rest, "Boys, come on, come on," and the colored men were not stupid in getting along and they scattered quickly. He went over there afterward and he found these men had scattered all along the road, and found this man wounded and down, and he said to the rest of them, "Boys, come on, we have got one of the damned rascals."

Q. Who said that?—A. Mr. Bogan said that. "We have got one of the damned rascals," was what he said, and shot him.

Q. What did he shoot him with?—A. I should say a pistol by the crack of it.

Q. Did he kill him right then?—A. Killed him right then, for he was hauled away the next morning; and then after he had done this, I think there were two or three, two anyhow, besides him, and they said to one another, "Who is this, Mr. Bogan?" Mr. Bogan said, "I do not know who it is;" and then they took and struck a match and lighted a candle and held it down over him. "Why," said one of the young men to Mr. Bogan, "that is one of the hands that works on my place, and I would not have him killed anyhow." He said he was a good man, and did not bother anybody; and Mr. Bogan said, "I would not have done it, but I thought it was old Henry Outlaw." That was me. After they had done that they went away and I went home.

Q. It was dark at this time, so dark that you had to light a candle, you say, to see who it was that was shot?—A. Yes, sir.

Q. Who else was hit at that time besides you and this man?—A. Joe Fayer, Mike Holborn, Jerry Ingall, Rance Lowry, Henry Outlaw, (that is myself.) Austin Outlaw, Henry Hilliard, and there are three or four names I cannot think of.

Q. Including the man who was killed, there were seventeen who were hit or killed?—A. Yes, sir.

Q. Did any others die besides this man?—A. Yes, sir.

Q. Who?—A. Mr. Gregory.

Q. What was the first man's name that was killed?—A. Charles Curry.

Q. Was he the man that was killed first?—A. Yes, sir.

Q How long did Gregory live?—A. He died three days afterward.

Q. Did he die from the effects of the shot that night?—A. O, yes, sir.

Q. Where was he hit?—A. They hit him through the bowels somewhere.

Q. Did any other man die?—A. No, sir. Hugh H. Gregory was another one that was wounded.

Q. What was the other Gregory's name?—A. Jeff. Gregory.

Q. He was the one that died?—A. Yes, sir.

Q. How badly were any of these other men hurt; do you know?—A. I expect one of them is dead; he was about to die when I left home.

Q. When did you leave home?—A. The Friday before Christmas.

Q. One of them was Gregory? Two died from wounds received at that time?—A. Yes, sir; and another one was badly wounded, and I helped to tote him up to Oxford from the depot. I do not know whether he will live or not.

Q. Where was he hit?—A. In the body; in the legs, I think. His legs were broken; I know his legs were broken.

Q. More than one leg?—A. Both legs were broken.

Q. Where was this other man hit that was about to die when you left home?—A. He was shot through here, [illustrating.]

Q. In the knee?—A. Yes, sir; in both of them; in one leg down here.

Q. One in the knee and the other down near the foot?—A. Yes, sir.

By Mr. KERNAN:

Q. What is his name?—A. Denison Outlaw was the one who was shot through the leg.

By Mr. TELLER:

Q. He is the man you think will die?—A. Yes, sir; he is the man that I think will die. The doctor operated on him and said he did not think he would ever get over it. There are three or four names that I cannot think of.

Q. How many were there in all that were killed and wounded?—A. There were seventeen of them that I knew.

Q. How many colored men were there in the crowd at that speaking that night?—A. In that crowd of colored men? I cannot tell you exactly how many, but when I came there the company looked to me like it was larger than it was in the day. It looked like some forty or fifty men maybe. I reckon somewhere near there.

Q. What kind of a speech was this man making that made the speech; a republican speech?—A. It was a speech in this manner: He was speaking about the democrats renting the land, and they paid them the rent; and if they advanced them anything they paid them back; and now, he said, they wanted to cut up our drum. That was his conclusion. I do not know what he had to say before I got there.

Q. Were these men assembled just for the object of holding a common political meeting?—A. I could not tell you what they assembled there for. That was the third time they met. I could not tell what they assembled for.

Q. Were there any arms among the colored people?—A. I saw some arms setting up alongside of the church when I got there, but I should think the white people would know how many there were, for they got them all. Make them tell how many there were.

Q. About how many do you think there were?—A. I do not know. They looked to me like some seven or eight, or eight or ten.

Q. What were they—shot-guns?—A. Shot-guns, those that I saw. There might have been some other guns.

Q. How many white men were there, do you think, that came in the evening at the time they charged and fired on the colored people?—A. I could not tell to save my life how many there were. There were so many that I could not tell. There was too large a quantity of them.

Q. Were they mounted on horseback?—A. They came down toward the mill on horseback.

Q. And then dismounted?—A. Yes, sir. I cannot tell how many there were, but there was a good many of them, a large crowd.

Q. How long before election was that—in September?—A. Yes, sir; in September.

Q. Is the man that killed this wounded man still there in the country?—A. He was out there in the country when I left there.

Q. Does he own the mill?—A. He owns the mill. They call it Mr. Spencer's mill.

Q. What is it, a flouring mill?—A. A corn-mill, a grist-mill.

Q. Where they grind grain?—A. Yes, sir.

Q. How long has he lived there?—A. About two years.

Q. How old a man is he?—A. He looked like a man thirty-five years old; he is not an old man.

Q. Is he a man of property there?—A. No, sir; he has no property, that I know of; he is a man that come from the bottoms there.

Q. Do you not know whether he is the owner of the mill or not?—A. I tell you what Mr. Spencer told me. Mr. Spencer and Mr. Carpenter and another man there—I cannot think of his name just now—they all three were in partnership in that mill when it was first put up. Mr. Bogan runs the mill.

Q. For them?—A. Yes, sir; for them, and they proposed to sell it to him this fall, and they sold it to him.

Q. They sold it to him?—A. Yes, sir; they sold it to him.

Q. Was Mr. Bogan, or were any of those men, arrested?—A. No, sir; none of them were arrested, that I know of.

Q. You never heard of their being arrested for their connection with this affair?—A. No, sir. The United States marshal came down from Oxford, Miss., but they all sloped and left.

Q. They left for the time being?—A. Yes, sir.

Q. Did they come back?—A. Yes, sir; they came back.

Q. But the local authority, the sheriff, never arrested them?—A. No, sir; the sheriff never arrested them.

Q. Is the sheriff a white man?—A. Yes, sir.

Q. Is he a democrat?—A. I do not know what he is. The main sheriff was not there. Homer C. Powell is the high sheriff of that county.

Q. Where was he?—A. He was up north somewhere with his folks.

Q. What is the name of his deputy?—A. His deputy is named Bell.

Q. Do they have courts there in that section?—A. Yes, sir; they have courts.

Q. Have they had courts since then?—A. Yes, sir.

Q. Do you know whether any of these men were indicted?—A. I do not know whether any of them were indicted or not.

Q. Is Mr. Bogan still there?—A. He was there.

Q. Was he there when you left?—A. He was there when I left, two or three miles from there, building a gin-house for a gentleman not far from there.

Q. Who was in command of these white men, if you know?—A. I do not know who was the commander, all the way.

Q. Who gave the orders?—A. Mr. Peters gave the orders.

Q. Do you know of any other violence being used during the campaign of 1876 down there, any other parties who were molested?—A. No, sir; I do not know of any more; but I have heard tell of a good deal. I could tell many things about it; but I suppose hearsay testimony is nothing. I heard tell of a great many.

Q. In your county?—A. Yes, sir.

Q. What cases have you heard tell of?

Mr. KERNAN. You must have witnesses to that.

Mr. TELLER. I do not know whether we have or not.

Mr. KERNAN. I submit that asking what he has heard stated is not evidence, and I think it is consuming a great deal of time unnecessarily.

Mr. TELLER. It will not take much time. I will put it in another form. [To the witness.] Do you know of any other parties being killed? A. No, sir; I do not know of any other parties being killed.

Q. Do you know of any threats being made to discharge men if they voted the republican ticket?—A. I think a man was discharged, but he asked the man to let him stay until he gathered his crops, until after the election.

Q. Would he not let him?—A. I expect he did. I have seen him since. I reckon he overlooked the thing.

Q. That is not answering my question. Do you know of any threats, any statements that they would discharge men if they did vote in a certain way?—A. I have heard tell of it, but I do not know of it.

Q. None of them threatened you?—A. No, sir; I heard tell of it.

Q. Was that the common talk among colored people?—A. Yes, sir; it was the common talk.

Mr. KERNAN. Wait a moment. I do not think that is proper.

Mr. TELLER. I guess that will do. If it is common talk, it must have arisen from some source.

Mr. KERNAN. Common talk is not evidence. I enter an objection. It is a needless waste of our time to be pursuing this mere common talk.

[The objection overruled.]

Q. (By Mr. TELLER.) You know nothing further than you have stated about it?—A. Yes, sir, I do.

Q. Go on and state it.—A. The Monday following, up at Starkville, when we were summoned by——

Q. The Monday following what?—A. The Monday following the Chapel Hill affair.

Q. Go on and tell what occurred the Monday following at Starkville.—A. After I got there, I think Colonel Muldro, Captain Beatty, Mr. Spencer, and another gentleman, there were four of them there, and Henry Outlaw, that is myself, Martin Washington, and Randall Nettles went into a private conversation about this thing in a private room in Mr. Henry Oliver's store.

By Mr. KERNAN:

Q. I understand you were there when they were talking?—A. O, yes, sir; I was one of them.

By Mr. TELLER:

Q. Go on and tell about it.—A. Colonel Muldrow said to me, "Henry, we understand that you are going to have a meeting on Tuesday morning to have more of this fuss. We have come together now, several white men and several colored men, to try and get that thing settled." I said to Colonel Muldrow, "There is nothing of that. I do not know anything about it." Said he, "That is the report; that you have called on the men of the clubs in the various parts to meet together again on Tuesday to have this same thing over that was done Saturday night." Said I, "There is not a word of truth in it, colonel." Said he, "Is that so?" "Yes," said I, "it is so; wait until Tuesday morning comes and you will find it just as I tell you, and there is not a word of truth in it." Then we decided in this way: They wanted to make a compromise of

what had been done, and I told them I could not make a compromise of what had been done, that the course of the law would have to take it and decide it, and we could not do it. And I said, "If you old citizens will direct your young men and keep them home, and keep them from cutting up our drums and doing the devilment, there will not be anything of this." Colonel Muldrow said to me, "Henry, we are going to make our young men behave themselves, and you must make your young colored men behave." I said, "As far as I have got any control over them I will do it." And I said furthermore, "Colonel, if you will keep your young men from going about cutting up drums and doing the devilment over the country at night, I will pledge you my word for peace and harmony in the country, and I will never have a drum tapped any more." He said, "Well, we will do it." And I think that was the last of our conversation there about that. They found it was just like I said. We had no meeting and there was nobody there.

Q. You did not attempt to have a meeting on Tuesday?—A. No, sir.

Q. When he said you must make the young colored men behave, had they been doing anything except beating the drums?—A. No, sir.

Q. They were beat simply to call the people together for the purpose of a political meeting?—A. That was all they were used for.

Q. Do you know during the campaign that the colored people were intimidated and slept in the woods and out of their houses?—A. I forgot that part. I laid in the ditches for about three weeks, off and on, before the election.

Q. You mean nights?—A. Yes, sir; nights.

Q. Why did you do it?—A. Because my life was threatened, and I did it to save my life.

Q. Do you know that others did it?—A. Yes, sir; plenty of them that live just in sight of me.

Q. Colored men?—A. Yes, sir; colored men. They came to my house and asked me what to do. I told them I did not know; I must look out for Henry and they must look out for themselves, and I took the ditch, and the Monday night before the election there never was such a fuss as there was in Oktibbeha, hallooing and shouting and blowing their horns.

Q. Who was that made by, the white men?—A. Yes, sir; they came for me, but I was lying in the ditch.

Q. You were ahead?—A. I was down in the ditch looking at them.

Q. Did the colored people quite generally sleep out during this time?—A. They never did it before.

Q. I mean before the last election?—A. No, sir; they never did it before the last election.

Q. But just before this last election did they do it?—A. Yes, sir; before the last election they did.

Q. How many of them did it? That is what I want.—A. I do not know rightly how many did it, but I can name some three or four men besides myself that did it right there—Charley Green and George Chambers and myself. We all worked on one place; and Martin Washington did it.

Q. Did you all sleep out of nights in that way?—A. Yes, sir.

Q. For the same reason?—A. For the same reason; we had no other cause to sleep out of nights that I know of.

By Mr. KERNAN:

Q. Before the war with whom did you live? Whose slave were you?—A. Mr. Outlaw's.

Q. Where did he live?—A. There in Oktibbeha County, right within three miles of where I am living now.

Q. He lives near you now?—A. Yes, sir; he is right there; I know him well.

Q. This first occasion when you were there—on Saturday, I think you said it was when you had the first meeting?—A. Yes, sir.

Q. That was in the morning?—A. Yes, sir.

Q. The drum was beaten from eight o'clock to about eleven, as I understand?—A. Along to about eleven o'clock.

Q. It was beaten all the time?—A. No, sir; beaten at different times, and then stopped awhile.

Q. How many had got there by eleven o'clock?—A. About twenty-four.

Q. How many of them brought their guns?—A. None in the day-time at all.

Q. About how many of these young white men came there—I infer they were young men?—A. Yes, sir.

By Mr. TELLER:

Q. Bogan does not seem to have been very young?—A. He was attending to the mill at that time during the day.

By Mr. KERNAN:

Q. The man who attended the mill was not there?—A. He was not there during the day.

Q. They were young men; did you know them?—A. I knew every one, but I cannot go over all their names.

Q. About how many of them were there?—A. About twenty-five of them during the day.

Q. They came on horseback?—A. Yes, sir.

Q. They did not harm anybody at that time?—A. No, sir.

Q. Nothing was done during the day to harm anybody?—A. No, sir.

Q. And you told them you were going to adjourn until Tuesday?—A. I did not tell them; they were gone when this resolution was passed.

Q. They had gone away before you dispersed?—A. Yes, sir.

Q. They merely looked on when you had this talk, but they did not do anything else?—A. No, sir.

Q. They rather wanted you to join their club, did they not?—A. Yes, sir. There is something right in behind there that I never put in.

Q. Never mind that. We will come to that again. They wanted you to join with them, and you said you could not, and they went off before you did?—A. Yes, sir; they left before I did.

Q. And you told those who were there that you would meet on Tuesday?—A. Tuesday morning, at eight o'clock.

Q. On the whole, after the young white men went away you concluded to meet there that evening after all?—A. After they went away there came other men that belonged to the club.

Q. And you concluded to have your meeting there that evening?—A. Yes, sir.

Q. And you left home before sundown?—A. Yes, sir. I left before sundown.

Q. How far were you from the church?—A. Where I live is about three-quarters of a mile, I think.

Q. You got to the church before sundown?—A. No, sir. I did not.

Q. Not until after sundown?—A. No, sir.

Q. You had no light, and you did not beat any drum then?—A. No, sir.

Q. And you adjourned to Tuesday?—A. Yes, sir.

Q. About what time did you get home in the evening?—A. I could not tell about what time I got back home, but I know what time I returned back there again.

Q. About what time did you leave home again?—A. I left home a little past 7 o'clock.

Q. The second time?—A. The third time. the last time I was there.

Q. In September it could not have been dark when you got there the last time, if you had gone home, staid a little while, and then gone back the second time?—A. I say it was a little after 7 o'clock when I left that night.

Q. When you came to the church the last time?—A. Yes, sir.

By Mr. TELLER:

Q. When you left home to go to the church, it was after 7 o'clock?—A. Yes, sir.

By Mr. KERNAN:

Q. It was dark then?—A. No, sir; it was not dark then. The moon was shining.

Q. Why could you not have done your business when you got there? You did not have any great amount of writing to do, did you? You merely wanted to pick out some delegates?—A. Then we wanted to take up a subscription to get some money, and we wanted to put down who to put in the delegation.

Q. You said you left home, as you expressed it, when the sun was pretty nearly in the trees, before it was down?—A. Yes, sir.

Q. Did you not get there so as to do any business you had to do without any light?—A. It was just before sundown, as I said, that I started from home; it was dusk when I got there the second time.

Q. You got home. Do you remember what you did after you went home?—A. When I returned?

Q. You went over in the evening toward sundown, and then you went home. What did you do after you got home?—A. The first time I went from the church I went home and got my dinner.

Q. No; that was in the morning.—A. No; in the evening.

Q. You got your dinner after you got home in the evening?—A. Yes; I had been there since 8 o'clock in the morning until evening.

Q. You did not stay there all that time?—A. Yes, sir; all that time.

Q. From morning until evening?—A. From 8 o'clock in the day until evening.

Q. I thought you said you went home, and left home again when the sun was in the trees?—A. I had been home again in the course of that time.

Q. You had got your dinner and staid until near sundown, and then started back to the church again?—A. Yes, sir.

Q. And then you went back home?—A. Yes, sir.

Q. About how many people were at the church when you got there the second time; the time when you left home near sundown, how many were there then?—A. I never noticed.

Q. About how many?—A. I think about as many as in the day.

Q. About how many is that?—A. Twenty-four.

Q. You started home then after you concluded to adjourn. What did you do when you got home then?—A. I got home, and I think, as well as I can understand, when I heard the drum, I had pulled off my coat; I was tired and pulled off my coat, fixing to go to bed.

Q. You were fixing to go to bed when you heard the drum beat?—A. Yes, sir.

Q. Was it beating very loud?—A. About as loud as drums usually beat.

Q. Was there any other musical instrument besides the drum?—A. No, sir.

Q. You started to go up?—A. Yes, sir.

Q. Did you know what that was for?—A. No, sir.

Q. You did not know what that beating was for?—A. I did not.

Q. How many did you find there when you got back and the man was making a speech?—A. There looked as if there were as many again as there were during the day.

Q. Some fifty?—A. Some fifty; more or less.

Q. The same men or different men from those who had been there during the day?—A. Mr. Lowry was the same man.

Q. But was it a different crowd?—A. I think some few of the same ones were there.

Q. But most of them were new men?—A. New men, I suppose.

Q. Where did they come from?—A. From the country. They are as thick around there as can be.

Q. When you got there, the drum was stopped and he was making a speech?—A. Yes, sir.

Q. He was making a speech showing how they were wronged?—A. Yes, sir.

Q. Who is it that was making the speech?—A. Peter Lowry.

Q. Is he a man that makes speeches sometimes to political meetings?—A. Yes, sir, sometimes. We generally have a course of that kind of speaking from one to another, so many minutes for each.

Q. Did he go through the county making speeches?—A. No, sir.

Q. Just in your own neighborhood?—A. Yes, sir.

Q. He was making a speech when you got there, and you did not interrupt him?—A. I never said a word to anybody.

Q. Was it dark then or was it light?—A. When I got there, it was not dark. The moon had fallen over behind the trees, but you could see a crowd of men coming, and you could see a man from the corner of the church anywhere.

Q. You could see them at a distance?—A. Yes, sir.

Q. Was it not so dark that they had to strike a light to tell who the man was that they found lying down?—A. That man was right at the side of the church, and the house shaded him. They could not tell who he was without a light.

Q. When you first saw these men, were they on horseback?—A. They were on horseback when I first saw them.

Q. What did they do with the horses?—A. They left them near the mill.

Q. Does Mr. Spencer live near the mill?—A. Yes, sir.

Q. Do you know him?—A. I raised him. I ought to know him.

Q. Did you see him that night?—A. I did not.

Q. He is a man that you are on friendly terms with?—A. A man I like just as well as I do my own.

Q. He has always been kind and civil to you?—A. Yes, sir.

Q. When you got to the church when the drums were beating in the evening, the arms were stacked up against the church, were they?—A. Yes, sir.

Q. You heard the drum at your house, you came up to the church, and then about how many arms did you see?—A. As I stated, I do not

know how many. They looked like some ten or twelve, but the parties who got them can tell. The white people took them.

Q. But I want your best judgment?—A. I say I do not know how many, but they were stacked up alongside of the house.

Q. Outside?—A. Outside.

Q. You did not count them?—A. No, sir.

Q. How many were shot-guns, and how many something else? Do you know?—A. No, sir.

Q. You colored people like to have a gun?—A. Yes, sir; when we have a meeting at night, some of them carry guns.

Q. You generally take guns when you have a meeting in the evening?—A. Yes, sir.

Q. You saw these men when they hitched their horses about the mill?—A. They hitched their horses between the mill and the road near the church.

Q. They came up the road toward you?—A. Yes, sir; they came up the road.

Q. Did any words pass between any of them?—A. Not a word. They did not say a word.

Q. How far was the mill off?—A. About seventy-five yards, I reckon.

Q. When the firing took place, did any of the colored men fire back?—A. I cannot say whether any colored men fired or not. I cannot say that, because I did not see any of them fire; but I saw them running.

Q. Do you not know that some of them did fire?—A. No, sir; I do not.

Q. Did you not so understand at the time?—A. No, sir.

Q. When they shot this man down near the mill, did you not hear that some of them went and got their guns?—A. I did not.

Q. Did any of them have pistols?—A. I expect they did.

Q. The colored men I mean, did they have pistols?—A. I do not know of but one on the ground.

Q. Who had that?—A. I had that myself.

Q. Could you say whether some of the others had or had not pistols?—A. I could not say one way or the other.

Q. Is it not true that there was somebody fired when these white men were coming from the mill up toward the church?—A. No, sir; there was not a gun fired until they got in that regular form, as I stated, and Mr. Peters gave the word to fire.

Q. Were there no guns fired before then?—A. No, sir; not one.

Q. How far were they off when Peters gave the word?—A. When Peters gave the word—I measured the ground afterward myself—it was fifteen steps from where they stood up to the top of the knoll where the man was speaking when they fired.

Q. Was it light or dark then?—A. It was light; I told you the moon was over here like, [pointing,] and you could see men.

Q. Could you see them plain enough to tell them from their faces?—A. I could not tell a white man. I could not tell any one who were there but two, and those two spoke, and I was behind them.

Q. You heard two speak. That was Peters and who else?—A. I knew Mr. Peters' voice.

Q. Who was the other one that you heard?—A. Mr. Bogan.

Q. And the others you could not see well enough to know them?—A. I could not see them well enough to know them because I had to see them through the colored men. I was sitting behind, right next to the church.

Q. When they fired, do you know whether anybody fired back?—A. No, sir, I do not.

Q. Do you not know that it was claimed that the colored men fired?—A. No, sir; I know this, for parties told me——

Q. Do you know that at the time it was claimed that some of the colored men fired?—A. No, sir, I do not.

Q. You never heard that?—A. No, sir; if I did, I would say it.

Q. You were struck in your hat, and you think it was a squirrel-shot?—A. Yes, sir.

Q. And one through your pants—that was what?—A. That was a big bullet.

Q. Where did it hit you? Did it wound the flesh?—A. It just went through the pantaloons and drawers.

Q. That was large, and you think a bullet?—A. Yes, sir.

Q. And the other grazed your shoulder?—A. Yes, sir; and that was a bullet.

Q. Did it draw blood?—A. Yes, sir; grazed enough to make the sign—to make it look red, but not much blood.

Q. Had any of the colored men left before these white men fired?—A. I do not know as they had.

Q. How long was it from the time that they began to hitch their horses until they fired?—A. But a very few minutes after they hitched their horses, and they did not have but a very few steps to come to where they wanted to get to work.

Q. Do you not know—I do not say whether it was true or not; but when there was talk about this affair between gentlemen on the other side and yourself—that the claim was that this party of white men on horseback were going along the road, and that they were ambushed and fired upon?—A. No, sir; I never heard of it before.

Q. You never heard any such claim down there at the time?—A. No, sir; never.

Q. What was the name of the man that you say this miller shot?—A. Bogan.

Q. No; the man that Bogan killed?—A. That colored man?

Q. Yes; what was the name of the colored man that was killed?—A. Charles Curry.

Q. Where was he with reference to you? You were behind the church?—A. He was killed right where I got up from, at the northeast corner there.

Q. Did you see Bogan when he shot him?—A. Yes, sir; I was looking right at him.

Q. What did he do it with?—A. With a pistol.

Q. Did he come right up to him?—A. Yes, sir; he came right up to him when he found he was down, and shot him.

Q. Had the man been hurt before, do you know?—A. No, sir.

Q. Do you know that he was hurt before Bogan shot him?—A. He was a sound man before that.

Q. He had not been wounded until Bogan shot him?—A. I suppose he got shot when the first round was fired.

Q. Do you know whether these shots that were fired had touched him or not? Did you examine to see or no?—A. I did not examine; but there are witnesses here that can testify to that.

Q. You tell us what you know. You did not examine to know whether he had been seriously hurt—whether Bogan shot him or not?—A. No, sir.

Q. He came up, and where did he shoot him?—A. In the head.

Q. With his pistol?—A. Yes, sir.

Q. Bogan had been living there about how long?—A. I think about two years. He was brought up from the bottoms.

Q. He came there from another place?—A. He came from the Mississippi bottoms.

Q. And when they came up, some other man said he was very sorry; who was that?—A. I cannot say who it was; but by the expression of the man it must have been one of the young McGees. He said it was one of his hands.

Q. And that he was a good, peaceable man, and ought not to have been hurt?—A. Yes, sir.

By Mr. TELLER:

Q. That was the name of the place where you worked, the McGee place?—A. Yes, sir, the McGee place.

By Mr. KERNAN:

Q. Of your own knowledge do you know that anybody else died?—A. Yes, sir; Jeff. Gregory died.

Q. How long after did he die?—A. He died, I think it was, in three days.

Q. Where was he wounded—in his limbs?—A. He was shot through the bowels.

Q. And he died in some three days?—A. It might have been more or less.

Q. Those are the two that you know of dying about the time?—A. Yes, sir.

Q. None of the others have died to your knowledge?—A. Yes, sir; one had like to die, but if he is dead it has been since I left there.

Q. Do you know whether there had been some trouble between a couple of colored men somewhere in your neighborhood a little before this thing at Chapel Hill church, a colored democrat and a colored republican?—A. Both colored you speak of?

Q. Yes, sir, that is what I speak of; where one was shot, or hurt in some way.—A. No, sir.

Q. You do not know of anything of that kind?—A. No, sir.

Q. This was Saturday night. You went up the next Monday and met Mr. Muldrow and some others that you spoke of who are white men?—A. Yes, sir; Colonel Muldrow, Mr. Spencer, Captain Beatty, and Mr. Dawes.

Q. Was Spencer a white man or a colored man?—A. A white man.

Q. He was the man who owned the mill?—A. Yes, sir.

Q. You met them where?—A. At Starkville.

Q. You were requested to go up?—A. Yes, sir.

Q. And these men, Mr. Muldrow, Mr. Dawes, Mr. Beatty, and Mr. Spencer, were all residents there?—A. Yes, sir. I know all the white men who were there very well.

Q. They all lived in your neighborhood?—A. Yes, sir.

Q. They asked you and some of your friends to come up?—A. Yes, sir. They asked me and Martin Washington and Randal Nettles.

Q. And anybody else?—A. I did not name them all. There was something occurred when it broke up that was not satisfactory——

Q. Just wait. I was going to ask you a little about it, and then probably we will get it all. They were all friendly enough?—A. Yes, sir.

Q. They spoke against this thing having occurred, did they not, and wanted to put a stop to it?—A. Yes, sir; they wanted it all stopped.

Q. And Colonel Muldrow and all of them said that they would try to

take care of their young men, and they asked you to take care of your young men and stop all trouble?—A. Yes, sir.

Q. They said then, "Are you going to have another meeting Tuesday"?—A. Yes, sir.

Q. They said that? They asked, "Are you going to have another meeting Tuesday," and they seemed to think it was with a view to retaliate, or do something on the other side?—A. Yes, sir. The way they explained it to me was to have this fracas that occurred on Saturday night over again.

Q. They understood you were going to have a meeting and have this fuss over again?—A. Yes, sir; Colonel Muldrow told me that himself.

Q. He told you he wanted it stopped and have peace?—A. Yes, sir; to stop it and have peace.

Q. You said there was not going to be any trouble?—A. Exactly.

Q. And it turned out as you said?—A. Yes, sir.

Q. And they said they understood there was to be a meeting to have this fuss over again, and they wanted it stopped, and you said there was not going to be any and there should not be any?—A. Yes, sir.

Q. And they wanted you to stop having the drums beat?—A. Yes, sir. It was I that made the proposition to them that if they would stop their young men going around doing the mischief and cutting up drums, I would stop my drums from beating.

Q These first men that came there that Saturday morning, Peters and whoever it was, said this drum-beating meant war, and you told them it did not?—A. Yes, sir, I told them it did not.

Q. You had a friendly talk with Mr. Muldrow and these other gentlemen, and parted friendly?—A. Yes, sir.

Q. And after that you got along without any collision, at least?—A. Yes, sir.

Q. How many nights did you lay out in the ditches?—A. I laid out in succession three nights before the election—three nights, one right after another.

Q. Had anybody threatened you to your face?—A. None but Mr. Peters.

Q. But that was away back in September?—A. Yes, sir.

Q. Had anybody threatened you to your face up to the time you had met Mr. Muldrow?—A. Not to my face.

Q. Who told you anything that made you afraid there?—A. Well, I could not tell who told me. I heard so much of it that I could not tell you.

Q. You were about every day and nobody threatened you to your face?—A. Nobody threatened me to my face.

Q. But you heard what made you apprehensive from other folks, and you staid out of your house those three nights?—A. Yes, sir; that was the common talk there.

Q. Were they colored men or white men that talked this to you?—A. White men; colored men did not do it.

Q. But the men that told you that—you say it was common talk—that common talk came to you from your colored friends, did it not, and not from any white men?—A. No, sir.

Q. No white man came and told you you were threatened?—A. No, sir.

Q. How many others of your own knowledge did you know to do that?—A. The three I told you about; they were right around the mill in the same place.

Q. And they kept out of their houses in the same way?—A. Yes, sir. That was the general talk around there.

Q. You were a republican long before 1875, were you not?—A. I was a republican all through.

Q. It had been the practice before 1875 for you and your colored friends to go in procession to the polls with drums, had it not?—A. No, sir; I never went to the polls but once in my life with my drum.

Q. But your colored friends used to go in clubs with a drum?—A. Yes, sir; I recollect once, the time that Mr. Alcorn was running.

Q. Were there any colored democrats around about you?—A. There is not but one colored democrat that I know of.

Q. Is it not true that the colored people feel pretty unkindly to a colored man that turns democrat or joins a democratic club?—A. I do not know anything about that. I do not hear them say anything. They do not affiliate with them.

Q. They keep them afar off socially, if they join the other party?—A. They do not have anything to say to them.

Q. Do they turn them out of church sometimes?—A. I do not know about that.

Q. Do you not go to church?—A. Sometimes.

Q. Do they not sometimes turn them out if they join the other party, and think they are hardly brethren to be walked with?—A. I do not think anybody has been turned out of church for joining the democratic party.

Q. But they do not live socially with them, as if they were of the same party?—A. They do that because they think they ought not to do it.

Q. Exactly. That is a pretty strong feeling with them?—A. Yes, sir, it is.

Q. And if they leave the republican party and join a democratic club they would not want to affiliate with them, as you say?—A. No, sir.

Q. In that neighborhood, did you have in your county as large a vote as you have ever had, as far as you know?—A. This election, no, sir.

Q. Did those around you vote?—A. They did, at the poll where I voted.

Q. Did you vote?—A. Yes, sir.

Q. A good many colored men voted there?—A. A good many went there to vote, but did not vote.

Q. But did a good many vote?—A. A good many voted. I will tell you exactly how they voted——

Q. Did not a good many colored men vote that day at the election?—A. Yes, sir; a good many voted.

Q. There was no disturbance at your poll?—A. There was no disturbance while I was there; but you will not let me tell what I want to tell you.

Q. Who were the sheriff and other officers in 1876?—A. You mean at the poll?

Q. The sheriff of the county?—A. Homer C. Powell.

Q. Is he a republican or a democrat?—A. He came from the North. Everybody that comes from the North they say is a republican down our way.

Q. He was a republican from the North?—A. Yes, sir.

Q. How as to his deputy sheriffs, were they republicans?—A. No, sir; the deputy sheriff used to be, but I do not know what he is now. A good many of them change.

Q. Are these northern republicans fellows that change?—A. He is not a northern man; he is a southern man.

Q. But the county officers, as I understand the fact to be, were chiefly republicans?—A. Yes, sir.

Q. All the county officers?—A. Pretty much.

Q. The judge and the prosecuting attorney?

Mr. TELLER. I expect the judge is not. There are no republican judges, I understand, in the State.

Mr. KERNAN. The magistrates, I mean. [To the witness:] The magistrates in your county were republicans, were they not?—A. Yes, sir; they were republicans.

Q. The men who haul people up for committing offenses?—A. Yes, sir; they were republicans.

Q. When, after this fuss, did the United States marshal come there; how soon?—A. I do not know exactly what time.

Q. About how many days after?—A. I cannot say.

Q. It was not a great while after, I suppose?—A. No, sir; I think it was about the next week; somewhere along there.

Q. From where did he come?—A. It was Colonel Pearce; from Oxford, Mississippi.

Q. Did he look into this matter? Did he not investigate it?—A. Well, sir, I do not know whether he did or not.

Q. Were you called, as a witness, to court in this matter?—A. There at Oxford?

Q. At any place?—A. Yes, sir; it was somewhere before Christmas.

Q. Was that the United States court?—A. Yes, sir.

Q. Who was the judge?—A. I do not know him. I was there before the committee. They had a committee there.

Q. The grand jury, was it not?—A. Yes, sir; the grand jury.

Q. You were summoned before the grand jury by the United States marshal or others?—A. Yes, sir.

Q. And gave your evidence about this matter?—A. Yes, sir.

Q. Were other people examined there too?—A. Yes, sir; there were lots of them.

Q. Do you know whether they found a bill or not?—A. No, sir; I do not know.

By Mr. TELLER:

Q. You never did hear it claimed that the colored people fired first until you came here?—A. No, sir; I never heard it claimed that the colored people fired first until I came here.

Q. You know that it is a fact that they did not fire first?—A. I know they did not fire first. If they fired at all, they did not fire first.

Q. Do you not know that they ran?—A. I know that they ran. I do not believe that a colored man fired. I do not believe that they did. There was just a gun sitting up by the side of the house. They had no time to get any guns to fire.

Q. Had it not for a long time there been the custom, among your colored people, to beat their drums?—A. Yes, sir; ever since the presidential election of eight years ago; for nine years. They have been drumming ever since.

Q. Was any objection made to your drumming until this last year?—A. There never was. We never had any trouble at all.

Q. You never had any trouble about it?—A. No, sir; not at all.

Q. You say that you laid out three nights before the election. Did you "lay out" any before this trouble at Chapel Hill?—A. That was the time.

Q. That was the time; after that you lay out?—After the fuss at

Chapel Hill I laid out, off and on. There come great tales to me, off and on, about what they would do. I laid out, off and on, and for three nights before election I did not go to where my house was no more than to get my meals.

Q. Were there a good many mounted men riding around through the country during the night?—A. Yes, sir; at Mr. Spencer's mill they generally called it—they met there every day.

Q. Mounted men?—A. Yes, sir; mounted men.

Q. Were they armed men?—A. Yes, sir; they carried two or three, or one or two, big army pistols. I knew that it was the mill-place. I go there most all the time; that was the place they met at. "The Independent Club;" that was the name of the club, they told me.

Q. You were asked if the magistrates, who are charged with arresting people, are not republicans. They call them squires, do they not, down there?—A. Yes, sir.

Q. Would it do any good for them to arrest these men? Could the men be convicted there?

Mr. KERNAN. I object.

A. Well, I do not know, sir.

Q. A little while ago, when talking about the voting, and when stopped by Senator Kernan, you said he would not let you tell what you wanted to tell. To what did you then refer?—A. I just simply wanted to refer to some facts that were stated to me before I was summoned up to Starkville about this case. They had it up there too.

WASHINGTON, *February* 5, 1877.

H. P. HURST sworn and examined.

By Mr. TELLER:

Question. Where do you reside?—Answer. I have made my home in Summit, Mississippi.

Q. How long have resided there?—A. Since 1868.

Q. How long have you resided in Mississippi?—A. I was born there and lived there all my life, with the exception of the summer spent north.

Q. How old are you?—A. Twenty-eight years old.

Mr. TELLER. I wish the record to show that this man is a white man.

Q. Have you ever held any positions, civil or military, in the State of Mississippi; if so, what?—A. Yes, sir; I was elected mayor of the town of Summit in 1875. That fall I was appointed to the position of brigadier-general by Governor Ames. He gave me the appointment of brigadier-general in the fall of 1875; that was the year. In January I was elected to the office of mayor of the town of Summit.

Q. I will ask you if you were in the confederate service.—A. Yes, sir; I was in the confederate service; belonged to the Texas Rangers. I went into the army when I was fifteen years old.

Q. From Mississippi?—A. Yes, sir; joined the Texas regiment.

Q. Where were you in 1875?—A. Until the fall of 1875 I was in Summit.

Q. What county is that in?—A. Pike County, Mississippi. I will go on and state how I came to get the position of brigadier-general. It was tendered to me by my friends in Amite County, where I was raised. I was there at court with my father. He was prosecuting some cases

before the grand jury. There were some men from Louisiana who came up and created a disturbance with the sheriff. There were men from Amite County engaged in it also—eight or ten of them. I saw it. My father and I interfered and prevented it. We knew all the men that were engaged in it. A day or two after that Judge Cassidy, who was the district attorney at that time, and I think is now for that district——

By Mr. KERNAN:

Q. State or United States district attorney?—A. State. He is the State district attorney, circuit court. He came to me and asked me if I would accept the position of brigadier-general in the event that it was tendered to me, and I declined. I was afterward waited upon by other gentlemen there—a Colonel Nelson, a prominent democrat in the county, and Col. B. F. Johns, another democrat in the county, and who is now democratic representative from that county in the legislature of Mississippi; they indorsed the application that was made out for me and insisted that I should take the position in the event that any one was appointed for that district. They said they would prefer me to any one else. I accepted it, and remained there during the fall, and organized the militia.

By Mr. TELLER:

Q. When do you say that was?—A. In the fall of 1875, just prior to the election.

Q. How long before the election?—A. Organized about a month before the election.

Q. After you were appointed what did you do there?—A. I organized the militia; made preparations to place them at different precincts throughout the county where they were apprehending trouble, and especially on the Louisiana line. This is a border county. There had been a great deal of trouble on the Louisiana line.

Q. State what you mean by that?—A. There had been some killing there, and the republican officials and the democrats down there had got into some trouble; some of them had run away from the country.

Q. Do you mean that anybody come over from Louisiana and interfered in the affairs of Mississippi?—A. Yes, sir; came there and interfered with one or two meetings that the republicans had down there on the line.

Q. How many companies did you organize?—A. I only organized one company.

Q. What was that composed of, white men or negroes?—A. Entirely of white men; officered by old confederate soldiers—democrats. There were no republicans in that company.

Q. State what occurred in connection with the organization of that company as briefly as you can.—A. The day of election there was a squad stationed at every precinct in the county where there was liable to be any trouble, in command of the officers that had been appointed; and this particular place where there had been trouble—Rose Hill—I went down myself to see that everything was right there. I had heard so much about the disturbances there, and I thought everything was exaggerated, and didn't believe it at all. Although I was advised not to go there on the election, I did go there. I have been very sorry ever since that I went.

Q. State what occurred, if anything?—A. The election passed of peaceably. There had been some disturbance which was quieted by the militia. It is about a mile or two from the Louisiana line. I suppose about four or five o'clock in the evening, I was thinking that there would be

no further trouble there and was preparing to leave, and I heard a yell down the road some distance and shots were fired on two roads. I started to run down the road and a friend of mine grabbed me, and he says, "Don't you go down there. These men don't know you, and they might kill you." They told me it was probably Frank Powers with his "regulators," as they called them. He is a notorious character in that country. I expect everybody down there has heard of him. I had never met Frank Powers. I had heard a good deal about him during the war, and I concluded I didn't care to meet him just then, and I stepped into a store with my friends and sent Lieutenant Anderson, who had particular charge of that squad of militia, and who was a brave, gentlemanly man, down the road to see if he could not stop Powers. He could not succeed. Powers came up and fired a good many shots. I don't know that he fired at anybody. That drove the people from the polls.

Mr. TELLER. Suppose I put in evidence his testimony which was given before the Boutwell committee.

Mr. KERNAN. I guess you had better take his testimony. It is short.

The WITNESS. This testimony that I am giving now is exactly the same as that which I gave before the Boutwell committee.

By Mr. TELLER:

Q. Did you testify before the Boutwell committee?—A. Yes, sir.

Q. And that testimony was correct, was it?—A. Yes, sir.

Mr. TELLER, (to Mr. Kernan.) I will not offer it if you object to it.

Mr. KERNAN. I think you had better not. He will get through with the outlines of this matter.

By Mr. TELLER:

Q. At what time did you appear before the Boutwell committee and testify, if you recollect?—A. The last of June.

Q. Of 1876?—A. Yes, sir.

Q. Were you in the State of Mississippi after that time?—A. Yes, sir.

Q. Up to the time of election?—A. No, sir.

Q. How long were you there after the Boutwell committee had examined you?—A. I was there three weeks after I testified before the committee.

Q. What was the condition of affairs in Mississippi during that time, as far as you know?—A. In my county everything was perfectly quiet; never had had any trouble in it except what was caused by men from Amite County.

Q. What county is your county?—A. Pike County. I have resided there.

Q. Do you know what the registered vote was in Amite County?—A. It is stated there in my testimony. I have forgotten the number now.

Q. It is stated correctly there?—A. Yes, sir; it was taken from the list of the registration-books. I had a list there.

Q. Do you know what the registered vote in Amite County was in 1876?—A. No, sir.

Q. Have you any means of informing yourself?—A. None at present; no, sir. It has considerable less than in 1875.

Q. Do you know what the vote was at the last election in Amite County?—A. It was very much smaller than in 1875.

By Mr. KERNAN:

Q. Was the vote of 1876 smaller or larger than 1875?—A. It was much smaller.

Q. The vote in Amite County was smaller?—A. Yes, sir.

By Mr. TELLER:

Q. What was the registered vote of Pike County in 1876?—A. That is also stated in there. I did not refer to it at this moment to refresh my memory.

Q. You do not remember now without referring to your former testimony?—A. No, sir; whatever is stated there, I say, is correct.

Q. What has Pike County been usually, republican or democratic?—A. It has been divided. The principal portion of the republican ticket has always been elected there until the election of 1875, and then it was divided. The sheriff was elected—democrat.

Q. How was it in 1876?—A. It was divided again. No, there was no State election in 1876.

By Mr. KERNAN:

Q. That is, some of each party were elected?—A. Yes, sir. I am speaking of the county elections now.

By Mr. TELLER:

Q. I understand you to say that you left Mississippi three weeks after you testified?—A. Yes, sir; and returned there in December,

Q. You were not there during the campaign?—A. No, sir.

By Mr. KERNAN:

Q. From June to December, 1876, you were out of the State?—A. Yes, sir.

By Mr. TELLER:

Q. Do you know anything of your own knowledge as to the condition of affairs in Amite County during 1876, after you testified?—A. Except from parties that I have seen from there.

Mr. TELLER. I will not go into it then.

The WITNESS. I have not been in Amite County; I have seen parties from there.

Q. (By Mr. TELLER.) Do you know a man by the name of De Shields in Amite County?—A. Yes, sir.

Q. Was he white or black?—A. He was a black man.

Q. Do you know anything about his having been killed? If so, state what you know about it.—A. He was killed several months ago.

By Mr. KERNAN:

Q. Are you personally cognizant of the fact of his being killed?—A. I know just about as much as any one does. No one knows who killed him.

By Mr. TELLER:

Q. State what you know about it.

Mr. KERNAN. I object to that unless he knows something about it.

The WITNESS. I know that he was mobbed. That is all I know about it. As far as the man who killed him, I don't know anything about it.

Q. State what you know.

Mr. KERNAN. Confine it to your own knowledge, and then all objections are unnecessary.

The WITNESS. I know that there was a great deal of objection to him, because he was one of the men that my father was prosecuting at the time I was in Amite County. He was prosecuted there before the grand jury. He served out his time, two months. He was convicted of some offense.

By Mr. KERNAN:

Q. What was the offense?—A. He was a member of the board of supervisors, and the whole board had been indicted for misappropriating public money. All of them had been convicted.

By Mr. TELLER:

Q. He served out a two months' sentence?—A. Two months' sentence. They were all convicted, the whole board.

Q. Go on and give us what you can tell about this killing.—A. I will state that after De Shields went back to his home——

Q. Did you see the mob?—A. No, sir; I did not. I didn't say that I saw the mob. I said that he was mobbed a short time after.

Mr. KERNAN. That is what I want to object to. I object to what you heard from others.

The WITNESS. There is nobody who knows anything about it, except that he was mobbed, of their own personal knowledge.

Q. You must know how he was killed?—A. I can state, but he objects.

Mr. KERNAN. I object to what you state upon information of others.

(Objection overruled.)

The WITNESS. I shall state what I heard about it, then.

Mr. TELLER. Go ahead, certainly.

The WITNESS. I will state that he went back. He had been the captain of a republican club in that neighborhood, and he was re-organizing his club, and was notified not to do it. The sheriff of the county told him that he ought not to organize that republican club.

Q. Was the sheriff a democrat?—A. Democrat, and an old friend of mine. I know him well. I know this circumstance of Whittington, the democratic sheriff there, telling De Shields that it would not do for him to organize the club; the community was too much excited; and the club was organized and two nights after that he was killed. His house was surrounded and he was shot.

Q. State the circumstances.—A. He was called out and shot. Nobody said a word. The mob disappeared, and nobody has ever investigated the matter.

Q. You say he had been convicted of misappropriating public funds?—A. Yes, sir.

Q. And he was punished?—A. Yes, sir.

Q. Do you know whether the board that preceded this board which was convicted was also convicted?—A. They were convicted.

Q. What were the politics of the first board?—A. The first board was democratic and the last was republican. Both were convicted. The first board was a white board and the second was colored; four of them were; there was one white man on the last board.

Q. Do you know a man by the name of Charles Neilson?—A. Yes, sir; he is a cousin of mine.

Q. A gentleman here says that it is a young man. Are there two?—A. Yes, sir; one is Charles Neilson, junior, and the other is Charles Neilson.

Q. He is a white man, is he?—A. Yes, sir.

Q. I asked that, so that the record may show it. Do you know anything about his having been before the United States grand jury in 1875 or 1876?—A. Yes, sir; he was there with me; both of us were before the grand jury.

Q. As a witness?—A. As witnesses before the grand jury.

Q. Do you know anything about his having been interrogated before a mob as to what occured there?—A. I heard him state publicly that he had been waited upon by a mob, and they had tried to force him——

By Mr. KERNAN:

Q. That is what he told you?—A. Yes, sir.

Mr. KERNAN objected.

(Objection overruled.)

The WITNESS. He told me that he had been waited upon by Colonel Moses Jackson and a crowd of men. He is the president of a democratic club in the county, and the club wished to know what he had testified to before the grand jury, whom they had indicted. Neilson was one of the inspectors of election. They had him there to testify to something that had occurred about the election.

By Mr. TELLER:

Q. What year?—A. 1875.

Q. Go on and state everything that was said; state what he said about it.—A. He told them that he would not disclose what he had testified; that he had sworn not to do it, and if they did not let him alone he would send their name to Judge Hill, the United States judge at Jackson; and they notified him that it would not be healthy for him to do anything of that kind; but the matter was dropped.

Q. They finally let him alone?—A. Yes, sir; he did not disclose what he had testified to, and they did not trouble him after that.

Q. What do you know of the condition of affairs in Amite County during the last campaign, of your own knowledge; do you know anything?—A. Yes, sir; it was pretty bad.

Q. State what you know about it.

Mr. KERNAN. Is this in 1876?

The WITNESS. 1875, I thought he asked me.

Mr. TELLER. No, in 1876.

A. I have not been in Amite County. Since I have been home I have seen a great many persons that have been run away from there.

Mr. KERNAN. I object to his stating what people had told him.

The WITNESS. They did not tell me this at all. I saw them there.

Mr. TELLER. Saw them where?

A. Right at my home where I lived. They had come there because they could not live in this county.

Mr. KERNAN. That is what they said; that is the common story.

The WITNESS. I carried some of them out of the county myself.

Mr. KERNAN. Tell what you know.—A. All this I have testified to heretofore. When the committee was down there it was testified to. I could sit here and talk from now until night.

Mr. TELLER. I do not wish to go into the Boutwell report.

The WITNESS. Every word of this is in the Boutwell report.

Mr. TELLER. I suppose you had gone back during the campaign.

A. No, sir; I went back there in December. I know those parties. I have seen them down there.

Q. (By Mr. TELLER.) You are the same H. P. Hurst who testified before them?—A. Yes, sir; the same man.

Q. Did another Hurst testify before them?—A. Yes, sir; there is another Hurst, but he is a colored man, who testified before them.

Q. Not of the same initials?—A. No, sir; he is a colored man.

Q. This is your testimony, commencing on page 86, is it?—A. That is my testimony.

Mr. TELLER. I only do this to identify it in any discussion which may arise hereafter.

(Hon. C. E. Hooker here examined the witness on behalf of Mr. Kernan.)

By Mr. HOOKER:

Q. You say you resided at Summit?—A. Yes, sir.

Q. Pike County?—A. Yes, sir.

Q. That is, you lived there during the year 1875?—A. Yes, sir.

Q. What was the date of your commission as brigadier-general under Governor Ames?—A. The second day of October.

Q. How many companies do you say you organized?—A. One full company.

Q. Where from?—A. From Amite County.

Q. It was organized and armed as militia?—A. Yes, sir.

Q. Under the orders of Governor Ames?—A. Yes, sir.

Q. Where did they operate?—A. In Amite County altogether; they did not go outside of the county.

Q. You spoke of a particular precinct at which you were during the election of 1875; what was the name of it?—A. Rose Hill; it is in Amite County.

Q. Did I understand you to say that the election was perfectly quiet on that day?—A. Up to the time that Frank Powers came there it was, with one exception; there was a little personal difficulty; I did not see the difficulty; I heard of it.

Mr. TELLER. I did not intend to goin to Rose Hill, Colonel Hooker; I stopped there because the whole thing is contained in the Boutwell report.

Q. (By Mr. HOOKER.) The disturbance arose at Rose Hill at what particular time of the day?—A. About four o'clock in the afternoon.

Q. What time did the polls close?—A. The polls closed at six o'clock.

Q. You say that the disturbance arose through some people who came from Louisiana?—A. Yes, sir.

Q. Not from the people of Amite County?—A. No, sir.

Q. Were those people drunk?—A. They were drunk.

Q. Was this man's name Powers or Powell?—A. Powers.

Q. Was the voting nearly over or about over at the time this disturbance occurred?—A. I suppose there was about one hundred men there that had not voted. I had counted nine about the box a short time before Powers came there. I think there was about a hundred that had not voted.

Q. You were there as the superior officer of this company?—A. Yes, sir.

Q. How many men did Frank Powers have with him?—A. I didn't see them when they rode up, but I saw quite a number there that I knew were strangers. I knew every white man there except what Frank Powers brought with him. I suppose there was a squad of about fifteen or twenty, from what I saw. I went into the house when the firing commenced.

Q. What number did your company amount to?—A. About twenty men. This company was stationed at various precincts. There were twenty men there with the lieutenant.

Q. Beyond that there was no disturbance, and the election was quiet?—A. Yes, sir; up to that time.

Q. By whose orders did you station troops at the polls?

The WITNESS. In Amite County?

Colonel HOOKER. Yes, sir; in Amite County.—A. It was through Governor Ames's order, if I am not mistaken; I was under no one else.

Q. Were they stationed at any other polls in Amite County?—A. O, yes, sir.

Q. At every poll in Amite County?—A. No, sir; there were two that there were no militia stationed at.

Q. At all but two?—A. Yes, sir.

Q. By the order of Governor Ames?—A. By my order, through Governor Ames.

Q. You have spoken of the prosecution of the board of police?—A. They call them the board of supervisors there. It is the same thing.

Q. They were being prosecuted by your father?—A. Yes, sir.

Q. You mean Judge David Hurst?—A. Yes, sir.

Q. He is a democrat, is he not?—A. Yes, sir.

Q. He was there prosecuting these people for violations of law?—A. Yes, sir; he was there for that purpose.

Q. They were convicted?—A. The whole of them were convicted.

Q. All of that board were republicans?—A. Yes, sir.

Q. Four of them colored and one white?—A. Yes, sir.

Q. You spoke of the prior board; at what time was that board elected?—A. That board was elected the year previous, I think; or two years previous, perhaps.

Q. When was the first board that you speak of elected?—A. Two years previous, I think, at the county election; and they hold elections every two years, I think.

Q. That would make it in 1873?—A. Yes, sir.

Q. What was the complexion of the county in 1873?—A. It was republican.

Q. Did I understand you to say that that board was democratic?—A. Yes, sir.

Q. The whole of it?—A. Three members were democratic and two republican.

Q. The last board was entirely republican?—A. Yes, sir.

Q. Did your father prosecute the first board?—A. He did not.

Q. Who prosecuted it?—A. The district attorney.

Q. Did anybody help him?—A. I don't think any one did but the district attorney.

Q. Your father was employed to prosecute this last board?—A. Yes, sir.

Q. And they were all convicted and sentenced?—A. Yes, sir.

Q. You know nothing of your own knowledge about this assault upon the colored man who belonged to that board; you know nothing except what you have heard from others?—A. No, sir; I was not there.

Q. I understood you from June to December you were absent from Amite County?—A. Yes, sir.

Q. And absent from Mississippi?—A. Yes, sir.

Q. You know nothing about the canvass of that county in 1876?—A. Nothing of my own knowledge.

Q. You were not in the county at all during the progress of that canvass?—A. No, sir.

Q. Did you have written orders for the purpose of stationing these troops at the polls?—A. I forget now, colonel, whether I did or not.

Q. If you did not have written orders and you had verbal orders how did they reach you?—A. I received some instructions in Jackson when I was there; and had other orders after that from the [illegible] mt ant-general.

Q. Were they verbal orders from General Pac[illegible]m the com-

mader-in-chief in person?—A. I had my verbal orders from General Ames.

Q. Were the orders that you should station troops at each poll in the county?—A. No, sir; they were not.

Q. Did he leave it to your discretion as to where you should station troops?—A. Yes, sir; he did.

Q. And under that discretion you placed troops at every poll in the county?—A. I was requested by the white people in Spurlock precinct; they sent a wagon for me to send up a squad. I sent a squad by special request. I had not expected to send them there, but they said there would probably be some disturbance.

Q. Did I understand you to say that this company that you organized was composed of democrats?—A. Every one of them was a white democrat.

By Mr. KERNAN:

Q. As I understand from you, these disturbances were apprehended more from people from Louisiana?—A. Yes, sir; but in Spurlock precinct—there never had been any one there from Louisiana that I know of—the political excitement was very great.

By Mr. TELLER:

Q. That was in 1875?—A. Yes, sir.

By Mr. HOOKER:

Q. These persons who sent from Spurlock were democrats, were they?—A. Yes, sir.

Q. Who did they apprehend a disturbance from?—A. Between the republicans and democrats. They expected to have trouble there during the day of election. The excitement was very great of that kind through the county, and they expected some trouble during that day.

Q. The democrats wanted protection and peace?—A. The conservative men wanted to prevent a disturbance, and they were conservative men who applied for the squad.

Q. All democrats?—A. They were democrats, but conservative men who didn't want to see anything like disorder.

By Mr. KERNAN:

Q. I want to ask you about one thing. When this colored man went back there was some excitement, I understood you. The sheriff told him there was so much excitement that he had better not organize this club. Was it political, or some other excitement? Had the man become unpopular for any reason when he came back from prison?—A. No, sir; he was not unpopular for anything that I know of. He could have staid there yet if he hadn't organized that club. That was the only objection I heard of.

A. What time was it that he proposed to reorganize the club?—A. It was several months after the election.

Q. After the election of 1875?—A. Yes, sir. The republican party was badly defeated, and he proposed to reorganize the club for the next campaign.

Q. It was a colored club?—A. A colored club altogether. The people of that portion of the county did not want him to organize the club.

By Mr. TELLER:

Q. Now, I will ask you about this man Powers, since Colonel Hooker has opened the question. State what kind of a man Powers was, and

what kind of a crowd he had, and what he did when he got there.—A. My understanding of Powers is that his reputation is bad.

Q. Is he a Mississippian?—A. No, sir; he is a Louisianian. He organized what is known in Louisiana as the "Regulators." I believe everybody understands what they are.

Q. What do you understand they are?—A. I understand that the Regulators are a lawless mob.

Q. State what he did when he came there. State the first thing he did when he got there.—A. They ran all the voters away from the polls, and they were principally colored voters there, because the white people had voted and gone home, with the exception of this squad of militia.

Q. Did they shoot at the negroes, or at whom did they shoot?—A. When I went into the house I could not tell whether they were shooting at the negroes or whom, but I know every negro went into the woods just as quick as he could get in them.

Q. The negroes all ran off?—A. Yes, sir.

Q. What occurred after that?—A. Suppose you read my testimony there.

Q. You can look at it yourself and state.—A. I had an interview with Powers, and I am going to see what he said.

Q. You have got it there?—A. This is what I said:

I had started down the road to see what the firing was; but upon seeing the situation of affairs I concluded that discretion was the better part of valor, and remained in the house. Powers, with a lot of drunken Louisianians at his heels, dashed up and began shooting; the negroes, who were standing there in line waiting to vote, ran away; they jumped off their horses, and several of them started down the road after the negroes who had fled upon seeing this hostile demonstration; but some of the citizens interfered to prevent them from following them.

By Mr. HOOKER:

Q. Were those white citizens who interfered?—A. Yes, sir; it was my militia who interfered. It was Lieutenant Anderson who interfered and prevented Powers's men from following them.

Witness continues to read as follows:

In a few minutes everything was quiet, and I went out and had an introduction to Powers. I asked him what he had come up there for, and he said that he had come to take part in a little row that he said the boys were going to have there that day. When it was time to close the polls I asked one of the inspectors if he wanted a guard placed over the ballots, so that they would be unmolested while they were counting the votes. I thought that he was a very honest, high-minded man. He said, "I am afraid to count the votes." He had been notified by this party of Louisianians, I suppose, and told what they were going to do with the box. I then told Anderson to give them a guard, and some of the crowd refused to serve. I then got disgusted and quit.

Q. That all refers to the election of 1875?—A. Every word of it refers to the election of 1875.

By Mr. TELLER:

Q. Were those soldiers of yours all democrats?—A. Every one of them.

Q. And white men?—A. Yes, sir; principally boys.

Q. Did anybody object at any place to your stationing these soldiers there?—A. No, sir; they objected to my going there on the day of election.

Q. What reason did they give why you should not go there?—A. They knew that Powers was coming there. There was a great many bad men in that section of country, and they proposed to get Powers up that day, and they were fighting-drunk, and they thought they would have a good lively time, I suppose; and when I went down in the morning, they

asked me not to stay there, that Powers was coming; and I went to Anderson and requested him to send a courier to Powers and request him to stay out of Mississippi. I didn't think he had a right to do anything with Mississippi affairs.

Q. About how many men were there there?—A. I think I said there were about fifteen or twenty. I did not see them when they rode up to the box; but I went out immediately afterwards, and I saw there were about that many strangers there.

Q. Who is General George?—A. He is a gentleman who lives in Jackson. He is chairman of the democratic State committee.

Q. Did you send this dispatch to him?

SUMMIT, MISS., *November* 10, 1875.

General GEORGE, *Jackson, Miss.:*

Nothing could be done in Amite. The men from the southern portion of the county, with men from Louisiana, have frightened everybody, and the condition is fearful. Have men here under our protection. Answer and advise.

H. P. HURST.

A. I did, because he had sent me out with a letter to keep the peace. I have the original in my pocket.

Q. Did you go out under this letter?—A. Yes, sir; I went out, after the election, to see if I could not restore the peace.

Mr. TELLER. I will read it:

JACKSON, MISS., *November* 3, 1875.

GENTS: I learn there is great trouble in your county, and that the republican officials left on account of fear. I want merely to state that anything like disorder or riot or lawlessness or intimidation of republican officials will be of material injury to our cause. We have carried the State by an immense majority, and we must so act as to show we are worthy of power. Do implore our hot-headed friends to be patient, and resort to the law for redress. Allow, if you please, the expelled to return to their duties. If they are guilty of wrong, proceed according to law. I have explained to General Hurst my views fully. Please don't regard this letter as an impertinent interference. I have written solely with a view of producing good to our friends.

Yours, truly,

J. Z. GEORGE.

Hon. B. F. JOHNS,
Col. C. P. NELSON,
Col. MOSES JACKSON,
And Other Democrats.

The WITNESS. Here is the letter. [Indicating his pocket.]

Q. Is that the same as I have read?—A. This is the original letter.

Q. This is the letter that you went out under?—A. Yes, sir; and here is the dispatch that I sent back. [Indicating as before.]

Q. Did the dispatch that you sent, dated November 10, contain a true statement of affairs?—A. It did. They refused to allow the expelled to return.

Q. With whom did you consult?—A. A mass-meeting of the citizens was called, and this letter was read from the judge's stand in the courthouse, where the crowd was assembled, and it raised so much excitement that Colonel Johns, who was reading it, had to get off the stand.

Q. Who is he?—A. A democrat. I got up then and stated to the crowd that if they would be quiet and not resort to any violence in the county, I would guarantee that the men would not return.

Q. How many men were there?—A. Three; the sheriff of the county, the superintendent of public education, and the deputy revenue collector—United States revenue collector.

Q. Who were these men?—A. They were the men that I have mentioned.

Q. Name them.—A. A. Parker, sheriff of the county; Fred. Barrett, superintendent of public education; and W. B. Redmond, United States deputy revenue collector—all white men.

Q. Do you know whether these men who created the disturbance at Rose Hill were ex-confederates, or whether they were not?—A. Powers pretended to be an ex-confederate, but he did the confederates more harm than he did the Federals, during the war. He demoralized the country down there, and run cotton through the lines.

Mr. TELLER. I asked that because General Hurst seemed to indicate in his testimony that the trouble did not arise so much from the men of the army as from those who had never been in the army.

The WITNESS. That is true. These lawless men were men who were never in the army, and generally rough characters, too.

(To the witness.) I think you stated somewhere that the principal men in the trouble at Rose Hill had never been in the army. Is that so?—A. There are two who sent for Powers.

Q. They had never been in the confederate army?—A. Never. One of them hired a substitute, and after the surrender he refused to pay the substitute, and never did pay him. All the confederate soldiers there in that country are not in favor of anything of that kind.

By Mr. KERNAN:

Q. Are the real soldiers who served in the army disposed to live peaceably and quietly?—A. They are, and they are in favor of protecting these men, too. Colonel Johns went around that night, and these fellows proposed to come there at Liberty and mob the sheriff of the county, and we prepared to raise a crowd of confederate soldiers and protect them; but we concluded we had better let these men leave, there was so much excitement; and at Colonel Johns' suggestion I took them in a carriage that night and carried them to Summit.

Q. They are as a rule in favor of peace?—A. Yes, sir.

By Mr. TELLER:

Q. I wanted to ask you something about the militia. You said something about their having deserted.—A. When Powers came up to the polls there, these militia, with few exceptions, joined in with them and created a hubbub. Lieutenant Anderson did all in his power to stop it, but these men he had under him there were unreliable.

Q. Anderson could not control them, and you could not?—A. Nobody else could control them.

Q. And the result was you had to let them go?—A. Certainly.

Q. And the negroes did not return, I suppose?—A. No, sir, they did not up to the time I left.

Q. You stated that the vote was over?—A. No, sir; the vote was not over when Powers came there, but when I left the vote was over.

Q. Then they did not return in time to vote?—A. No, sir.

Q. Was any one hurt there that you know of, or was it a mere scare?—A. It is impossible to say whether they were or not, for I never saw any of the party afterwards up to this day.

By Mr. HOOKER:

Q. You did not at the time see any one that was killed?—A. I did not.

Q. I understood you to say you did not know who they fired at?—A. No, sir; I didn't see them at all. I know this: I have a very strong impression that they fired at me, for I know the bullets came very close to me. They fired forty or fifty rounds and some of the shot whistled pretty close. I was about one hundred and forty yards off, I suppose.

Q. You have mentioned three persons, one of whom was Mr. Parker, the sheriff?—A. Yes, sir.

Q. Is he here now?—A. He is in New Orleans.

Q. Was he a native of the country, or a carpet-bagger?—A. He is from Maine. He was a captain in the Federal Army and remained after the surrender.

Q. What other man?—A. Redmond.

Q. What position did he have?—A. United States deputy revenue collector.

Q. Where did he come from?—A. He was from New Orleans; was raised there, and was a member of the Washington Artillery during the war, and made a very good soldier, I believe.

Q. What other person?—A. Fred. Barrett. He was the county superintendent.

Q. Is that the gentleman there? [Indicating.]—A. Yes, sir.

Q. What position did he hold?—A. County superintendent.

Q. How long had these gentlemen held the positions?—A. Parker had been in the county some five or six years.

Q. How long had Mr. Barrett been there?—A. He had not been there so long. I do not remember the number of years he had been there.

Q. What State is he from?—A. I do not know. I think he is a New Yorker.

Q. Did these persons represent this county in some prior election?—A. I think that Barrett and Parker were both representatives some time in the legislature.

Q. What year?—A. I think that probably Barrett was chosen in 1873, and Parker represented the county in 1871. I think it was 1871.

Q. They were both elected as representatives to the legislature?—A. Yes, sir.

Q. And Parker and Barrett were republican representatives of that county?—A. At one time they were.

Q. How many terms did they serve?—A. I think probably one or two.

Q. Was it at the time they were there that these defalcations of the board of supervisors were made? Were they representatives at the time that occurred?

The WITNESS. Did they represent the county?

Mr. HOOKER. Yes, sir; in the legislature at the time these defalcations occurred?

A. Probably Barrett did. They were not defalcations, it was misappropriating money.

Q. How?—A. It was letting out contracts that they were not authorized to do by law.

Q. At exorbitant rates?—A. Yes, sir.

Q. Had not these three persons to whom you refer been very active in all the county canvasses that were made during the time the county was under republican rule? Had they not "run" the county, in common parlance?—A. Yes, sir; they had been active republicans and had a great deal of influence over their party.

Q. And had control of it?—A. Yes, sir.

Q. Is there any law in Mississippi which authorized the stationing of troops at the polls on the day of election?—A. Really, I don't know. I have never seen any.

By Mr. TELLER:

Q. In reference to these men who were convicted as you say, this board, do you know whether they were convicted of embezzlement, or

was it some technical matter?—A. On technical points of law in letting out contracts which the law did not authorize them to do.

Q. It was not really for stealing?—A. No, sir.

Q. It was a technical violation of the law?—A. They let them out at exorbitant rates and let out contracts in violation of law.

By Mr. HOOKER:

Q. Is it not the fact that in consequence of the mismanagement of the county affairs these three officers you refer to, Parker, Barrett, and Redmond, became very obnoxious to the whole people of the county?—A. I will answer it in this way: that there were a great many people in Amite County that they were obnoxious to, but there were a great many that they were not. They had a great many white people there who were their friends.

WASHINGTON, *February* 6, 1877.

DANIEL BUTLER sworn and examined.

By Mr. TELLER:

Question. Where do you reside?—Answer. Rankin, Mississippi.

Q. How long have you resided there?—A. I came there in 1856, on the 20th day of October. I have been there over twenty years.

Q. What do you know about the campaign in Mississippi during the year 1876? Were you an officer of election?—A. Yes, sir.

Q. What?—A. I was one of the judges.

Q. At what precinct?—A. Pelahatchee Depot.

Q. State what you know of the campaign, beginning with the first thing that was done in the early part of the campaign.—A. In the first place there was not much of a campaign there, particularly with the republicans.

Q. Are you a republican?—A. Yes, sir.

Q. State how the campaign was carried on by the democrats?—A. The democrats held their meetings in every direction in the county, and were not disturbed in any way at all. We did attempt to have speaking, but we never succeeded more than once, I believe, in having a speech in our county.

Q. State where you had meetings, and where you attempted to hold but did not succeed in holding meetings.—A. We did not attempt to hold a meeting except in Brandon; that is the county-seat; a number of gentlemen came over there from Jackson to make speeches, but we saw from the hostility that existed there that it was useless for the republican party to undertake to hold meetings.

Q. What was done? How was the hostility shown?—A. Violence was shown there by rising and ordering the speaker to stop; and not only then, but at other times they said they were going to have no republican meetings about there; that no republican speakers should come there and hold meetings.

Q. How many people rose up, and what number of people participated in the disorder?—A. There were several. The sheriff was called on, our marshal was called upon, and the mayor tried to keep order at that meeting in Brandon.

Q. Did he do it? That is the question. Go on and state what was done; state how the meeting commenced, and what was done.—A. The speaker saw there was going to be a fuss, and he stopped. Some of

them told him to go ahead, and he said no, he would stop. After that we never attempted to have any more political meetings, because we thought it was useless.

Q. Did he stop?—A. Yes, sir.

Q. You say the mayor was called on?—A. Yes, sir.

Q. Did he keep order?—A. He said he would do it if he could. Every once in a while a parcel of men would rise up and tell the speaker to stop; that he should not use such language.

Q. What would they say?—A. As I say, they told him he should not use such language; that he was falsifying the democrats.

Q. Did they do that in the mild manner in which you relate it?—A. No, sir.

Q. State how they did it, then—whether in a threatening way.—A. Yes, sir; it was in a threatening way; the way I received it was in a threatening way.

Q. That was at Brandon?—A. Yes, sir.

Q. Was any attempt made to hold any meetings anywhere else?—A. No, sir; that is, none that I know of, where I was.

Q. Do you know anything about armed military companies, or anything of that kind, in that campaign?—A. The men generally go armed about such places as that.

Q. But was there any armed organization?—A. That I do not know.

Q. Armed squads of men, mounted men, riding through the country?—A. Of nights; yes, sir.

Q. That is what I was asking you.—A. I thought you meant if they had an organization and paraded out in daytime.

Q. What did they do?—A. They commenced riding around there a few nights before the election, catching some of the colored people wherever they could and whipping them, and others kept out of the way.

Q. What did they whip them for?—A. I do not know; I could not say what they whipped them for. It gave them a fright, and the colored people kept out of the way, and would lay out of their houses.

Q. To what extent was this riding throughout the country carried on?—A. It was a general thing.

Q. Was it one or two men?—A. O, no, sir.

Q. Go on and tell what it was.—A. There was a great number. I could not say exactly how many there were, but I suppose in our neighborhood there were some hundred.

Q. How frequently did they ride through the country?—A. This was only a few nights before the election.

Q. Just before the election?—A. Yes, sir. They rode around, I think, for an effect.

Q. To what extent did the colored people sleep out of their houses before the election, and for how long?—A. It was only three or four nights that they slept out before the election, and then probably a week after the election. A good many of them voted the republican ticket, those who did vote, and they were dubious to sleep in their houses for fear that they would be killed.

Q. Did a great many of them sleep out?—A. Yes, sir.

Q. Were you present on the day of election?—A. Yes, sir.

Q. How was the election; was there any violence?—A. The election was conducted honestly and fair. I was inside the house.

Q. I am asking if there was any violence?—A. I will give you the whole of it.

Q. Go on.—A. But on the outside I cannot say how the thing was

carried, more than they got up a row there. There was an old man who got into a sort of scuffle and fight and ran off, and they shot at him.

Q. A colored man?—A. Yes, sir. I reckon they shot as many as a dozen balls at him. They never hurt him, though; and from that the colored people broke off and left the place.

Q. What number of colored people left?—A. I do not know what number there was that left, but I suppose there were about seventy-five who refused to vote. They went off in every direction and did not come back, and they met others who were coming and kept them from coming, told them not to come.

Q. Has that county heretofore been republican or democratic?—A. It was pretty close. In 1875 the democrats elected their ticket, but in 1873 the republicans elected their ticket. It is pretty close.

Q. How was it this last election?—A. The democrats carried it by a thousand majority.

Q. Which have the greatest number of voters, the whites or blacks, in that county?—A. The colored people are about a hundred in the majority.

Q. Of voters?—A. Yes, sir; somewhere about that. I have not noticed it particularly.

By Mr. MONEY:

Q. You mean on the registration?—A. Yes, sir; on the registration.

By Mr. TELLER:

Q. Do you know of any violence being offered to individual voters, holding pistols to their heads, or anything of that kind?—A. I do not know it of my own knowledge, but I understood that such things have occurred.

Q. When did you understand that; on the day of election?—A. No, sir; I understood it the next day.

Q. From whom did you understand it?—A. I understood it from the party that the pistol was held to.

Q. How was that circumstance?—A. It was a colored man, named Mitchell Durrer. He said that Mr. McMullan, a man who lives at the depot, took a pistol out and a ticket up, and told him if he did not take that ticket and vote it that he would blow his brains out; and he followed him up to the door to see that he voted it.

Q. When did you say that you heard of that transaction?—A. The next day.

Q. Do you know whether McMullan was indicted in the United States court for this violence?—A. I do not know whether he was indicted or not, but I think the case went before the grand jury.

Q. You do not know what the result was?—A. No, sir.

Q. Do you know of anything else connected with the election in 1876 that you have not told?—A. I am studying; I cannot call anything to mind.

Q. Do you know anything about rewards being offered to anybody who would knock down the first negro who voted the republican ticket, of your own knowledge?—A. I have heard such things stated.

Q. When did you hear it?—A. I heard that the next day; a man by the name—

Q. You were not there?—A. O, no, sir; I was in the house; I did not see anything; I saw a couple of shots fired with my own eyes, however.

Q. At this man who run away?—A. Yes, sir.

By Hon. H. D. MONEY, (representing Mr. Kernan :)

Q. You have told all you know of violence in that county ?—A. Yes, sir.

Q. You do not know anything of the matter ?—A. No, sir ; not of my own knowledge. I have heard of a great many things.

Q. I am talking about the election or after the election. About what time did the republicans begin their meetings in this campaign in your county ?—A. I do not know. It must have been somewhere about the last of August or the first of September.

Q. This meeting that you speak of was at Brandon ?—A. Yes, sir.

Q. Who were the men who were speaking there and were interrupted ?—A. General McKee, here, for one.

Q. He was one of the men ?—A. Yes, sir.

Q. And he did not finish his speech ?—A. He finished his speech, but the objection was when Sam Ireland was speaking.

Q. He is here ?—A. Yes, sir ; he is here.

Q. Do you know why the man objected to Samuel Ireland speaking ?—A. No, sir.

Q. Was there not an objection besides that urged against Mr. Ireland ?—A. If there was, I did not hear it.

Q. Did they not object to hearing him speak because they said he had used the funds of Alcorn University ? Was he not chancellor there ?—A. No, sir ; I do not think they objected to him on that account, but several of them asked him about those funds.

Q. Did they not mention that as one of the reasons why they did not want to hear him speak ?—A. No, sir ; I do not think they did that. If they did, I do not know anything about it. But he was asked several times to explain that matter.

Q. To explain about this matter ?—A. Yes, sir ; about $1,200.

Q. Twelve thousand dollars, was it not ?—A. I think it was $1,200 they said, and he said he would do so ; but, then, he never got through.

By Mr. HOOKER, (for Mr. Kernan:)

Q. You are speaking of the meeting at Brandon ?—A. Yes, sir.

Q. Were you there ?—A. Yes, sir.

Q. When was it that the interruption occurred in the meeting ? who was speaking at the time ?—A. Sam. Ireland.

Q. Was he afterwards permitted to go on ?—A. He was promised to have order, but they kept interrupting him, and finally he quit.

Q. Did he not go in and make his speech ?—A. No, sir ; he did not get through.

Q. How do you know ?—A. When they told him to speak on he said he would not speak any more.

Q. He quit ?—A. Yes, sir.

Q. Was that after he was told to speak on ?—A. Yes, sir.

Q. He was told to speak on ?—A. Yes, sir ; he was told by a friend of his, who was on the stand with him. He said, "Speak on," but he said, "No, I am not going to do it."

Q. Were they friends of his who urged him to speak on ?—A. Yes, sir.

Q. And he declined ?—A. Yes, sir. They tried to keep order there, and promised General McKee that they would keep order—the sheriff and the mayor too ; but they kept interrupting him when he spoke.

Q. Interrupting him how—by asking questions ?—A. Yes, sir ; and telling him he must not say such and such words.

Q. What were "such and such words" that he had said that were ob-

jectionable?—A. One thing he said that was objectionable was that a republican could not go into Yazoo County and make a republican speech.

Q. What occasion had he to say that in Rankin?—A. I do not know exactly how he brought it up.

Q. That was objected to?—A. Yes, sir; that was objected to by the democrats.

Q. Did they say anything about Ireland's being a defaulter of the school-fund of the college?—A. They said something about that. They asked him to explain what he did with that money.

Q. Did he explain?—A. He told them he would, but he never succeeded in his speech.

Q. Did they object to his explaining after asking him?—A. O, no, sir.

Q. But he did not explain?—A. No, sir.

Q. He never did explain?—A. No, sir.

Q. Was that the only interruption at the meeting?—A. Yes, sir; that is the only interruption that I know of.

Q. Who else spoke besides Ireland?—A. General McKee, Judge Alcorn, and Doctor Barrett.

Q. This gentleman who is here?—A. Yes, sir.

Q. Was there any interruption while he was speaking?—A. No, sir; there was not any interruption; there were questions asked, and they readily answered them and went on.

Q. Questions asked of them as they asked questions of Ireland?—A. They did not say that they must not say so and so to them.

Q. They were questions such as are asked of speakers ordinarily?—A. Yes, sir.

Q. They were answered, and the meeting passed off quietly?—A. It passed off quietly with them, but they seemed to be wrathy towards Ireland.

Q. What was the order of speaking; who spoke first?—A. General McKee, I believe.

Q. Who spoke next?—A. I think it was Dr. Barrett.

Q. And who next?—A. Judge Alcorn.

Q. And who last?—A. Ireland. I think that is the way

Q. You think that was the order of speaking?—A. No, sir; I believe not.

Q. Correct yourself.—A. I believe Alcorn spoke last.

Q. Ireland spoke before Alcorn?—A. Yes, sir; probably that was the way.

Q. Did they hear Alcorn through?—A. Yes, sir; it was a very mild speech.

Q. The meeting then adjourned?—A. Yes, sir.

Q. There was no disturbance at the meeting except what you have described?—A. No, sir; there was no disturbance except what I have described.

Q. What party do you belong to?—A. The republican party.

Q. You have always belonged to that party?—A. Yes, sir.

Q. Do you know a colored man by the name of William Mannery living in Rankin County?—A. The young man? I know them both.

Q. Do you know the old one?—A. Yes, sir.

Q. He is an old man?—A. Yes, sir.

Q. How old?—A. I reckon he is nearly sixty.

Q. Did you hear him make any speeches during the canvass last year?—A. No, sir.

Q. You did not?—A. No, sir.

Q. He is a democrat, is he not?—A. I believe so.

Q. He has been a democrat all the time?—A. I think he was.

Q. Did a great many colored people in Rankin County join the democratic party?—A. There were some more this last year than usual. I do not know the number, though.

Q. How does it happen you never heard Mannery; did you never go to any public meeting where he was speaking?—A. No, sir; you see he lived down near Jackson.

Q. At Steen's Creek?—A. No, sir, he does not live there; he lives near Jackson. I have been to his house.

Q. He is a man of means?—A. Yes, sir.

Q. Raises pretty good crops?—A. Yes, sir.

Q. He has been a tax-payer for a long time?—A. Yes, sir.

By Mr. TELLER:

Q. He is a colored man?—A. Yes, sir; he is a colored man.

By Mr. HOOKER:

Q. What proportion of the colored people of Rankin County joined the democratic ranks during the last contest?—A. I could not say that they joined it, but they voted the democratic ticket. A good many; I do not know how to estimate the number.

Q. A large number of them?—A. Yes, sir; a good many.

Q. Joined the democratic party and voted the democratic ticket?—A. I do not say they joined the party; they voted the ticket.

Q. Did they not join a democratic club?—A. A few did up about with us.

Q. Where do you live?—A. At Pelahatchee.

Q. That is above Brandon, the county-seat?—A. Yes, sir.

Q. About twenty miles above it?—A. No, sir, about twelve miles.

Q. How was the vote in that county, if you know, during the last election of 1876, as compared with 1875?—A. It was no comparison to the years heretofore.

Q. Do you mean by that the years when the republican party had control of the county?—A. Yes, sir.

Q. During the years from 1869 and 1870 up to 1875, did the colored people march into the towns in companies, in clubs, armed or unarmed, at those elections?—A. No, sir; I do not know that they did.

Q. Did they not have clubs?—A. It is a very common thing for them to have a walking-stick.

Q. I do not mean that. Did they not have clubs, companies, democratic clubs, political clubs?—A. O, I understand you now.

Q. They had republican clubs everywhere, did they not, in Rankin County, from 1869 and 1870 up to 1875?—A. Yes, sir.

Q. How were they in the habit of going to the voting-polls—going in clubs?—A. Sometimes some clubs would go.

Q. Mounted or on foot, or in both ways?—A. Sometimes mounted; some would be mounted.

Q. They would go with drums beating and fifes?—A. Not very often, because they have not got many of them; but they sometimes did.

Q. Whenever they had them they did?—A. Yes, sir.

Q. Did they go armed or unarmed?—A. Very few colored people have arms; that is, pistols. They have guns. Most of them have guns, but very few of them have pistols.

Q. In your region of country you mean?—A. Yes, sir; very few of them have pistols.

Q. Those who had them wore them on those occasions?—A. Sometimes they did.

Q. They went with drums and fifes and banners flying to these meetings?—A. Some few did.

Q. How did they go from your region of country?—A. They went in promiscuously, or just every way. They did not go in line as a club on the day of the election this last November. A few came up, probably eighteen or twenty, in a gang, but there were no clubs.

Q. Do you know what the vote was in Rankin County in 1875, the number of votes polled in the county?—A. I have forgotten. I did know, but I have forgotten; I think somewhere about two thousand five hundred; I reckon somewhere along there.

Q. About two thousand seven hundred, was it not, in 1875?—A. Two thousand five hundred or two thousand seven hundred; somewhere along there.

Q. What was it in 1876?—A. I have forgotten.

Q. What was the difference? You have said there was a difference in your county.—A. What I mean by the difference was that there was a difference in the party vote.

Q. I want to ascertain the difference in the whole number of votes cast by both parties in 1875 and 1876, if you know.—A. I do not.

Q. You say it was about two thousand seven hundred in 1875?—A. Yes, sir.

Q. How much was it in 1876?—A. I do not know; I have forgotten what the vote was this last year.

Q. Was it a very great reduction of the former vote or not?—A. No, sir; I think not.

Q. Not a great change?—A. No, sir.

Q. Very nearly the same, was it not?—A. I think there was not much difference in the vote last year.

Q. Not more than two or three hundred votes?—A. No; I suppose not, between last year and the year before.

Q. Not more than a difference of a hundred votes?—A. I do not know whether there was a difference of one hundred; I could not say exactly.

Q. Was there a difference of two hundred?—A. I say I do not know exactly.

Q. Was there a difference of three hundred?—A. I do not suppose there was.

Q. Then you say that there was a very large number of colored men who voted this democratic ticket at this last election in 1876?—A. Yes, sir; because the majority was a thousand this year.

Q. Therefore there must necessarily have been a very large number of colored men who voted the democratic ticket?—A. Certainly; but a good many colored men did not vote at all.

Q. Do you know of any colored man in the county of Rankin on the day of election who was intimidated or forced to vote the democratic ticket who did not vote it voluntarily?—A. I only know from what was told me.

Q. Do you know of your own knowledge of anything of that sort?—A. No, sir; I was inside of the polls and could not see what was going on outside.

Q. Did you hear anything of that sort at the polls on the day of election?—A. No, sir; I was inside.

Q. And you do not know of a single case of intimidation of any colored man in Rankin County on the day of election?—A. No, sir.

Q. Or before?—A. No, sir; only in the way of riding around. I think that could be considered intimidation, frightening the colored people and keeping them out in the woods.

Q. But did they vote afterward?—A. No, sir.

Q. How many of them were frightened and intimidated in this way?—A. There were a great many of them who would have voted if it had not been for the disturbance that occurred on the day of election at the polls.

Q. How do you know the disturbance occurred?—A. I saw some of it.

Q. At your own place?—A. O, yes, sir.

Q. At Pelahatchee?—A. Yes, sir.

Q. What was the first disturbance?—A. They got up a fuss there with some colored people. There was an old colored man and a white man got into a little tussle, and the colored man ran off and they commenced to shoot at him.

Q. What was it about? Was it about political matters?—A. Yes, sir.

Q. About political matters?—A. Yes, sir.

Q. Was that the only difficulty?—A. Yes, sir.

Q. That occurred during the day?—A. That was the only one about political matters.

Q. At what time in the day did that occur?—A. I reckon it was 11 o'clock.

Q. Eleven o'clock in the morning?—A. Yes, sir.

Q. Did the election go on peaceably and quietly after that?—A. We stopped then for about an hour, I suppose, to get everything cooled down. It seemed to be very boisterous about there.

Q. Did you then resume the voting?—A. Yes, sir.

Q. Did the election go on quietly after that?—A. Yes, sir.

Q. There was no other disturbance?—A. No, sir.

Q. Was this old man hit or hurt?—A. No, sir; but you see the colored people got frightened off and left, and met others that were coming and kept them from coming.

Q. What was the difference in the vote at your precinct in 1875 and 1876?—A. There was a considerable difference from the fact that they have changed. You know we used to go anywhere we pleased in our beat. You know that was the way.

Q. Yes.—A. Now they have changed it and divided the district.

Q. They have laid off the districts so as to embrace different territory?—A. Yes, sir.

Q. Was your vote increased or diminished by the division?—A. Our vote was diminished considerably.

Q. Therefore it was necessarily less?—A. Yes, sir.

Q. Notwithstanding the diminution, what was the difference in the vote at your poll between 1875 and 1876? What was it in 1875 and what was it in 1876?—A. I think the colored vote there was about 200. This last year it was 392 or 400; but you see that was cut.

Q. What proportion of that can be accounted for by the diminished district?—A. I reckon you might say half of it could be accounted for in that way.

Q. You alluded in your direct examination to a man named McMullan who threatened to blow a colored man's brains out. What did that difficulty grow out of?—A. Nothing, only he wanted him to vote the democratic ticket, I suppose.

Q. Was your friend McMullan. have pistols.

Q. You say you suppose. Do you know?—A. This was told me.

Q. You do not know anything about it?—A. I do not know it of my own knowledge. I did not see it. It was told me the next day.

Mr. HOOKER. I submit respectfully, Senator, that there ought to be an objection interposed there, and we shall do so, as it is hearsay evidence.

Mr. TELLER. Hearsay does not amount to much. I did not go into that question particularly, as the witness did not know the fact of his own knowledge.

JOHN P. GILMER sworn and examined.

By Mr. TELLER:

Question. Where do you reside?—Answer. I reside in Scooba, in Kemper County, Mississippi.

Q. How long have you resided there?—A. I was there only a short time, a week or two before I was subpœnaed.

Q. How long have you resided in Mississippi?—A. I went there in December, 1868, to Scooba, and I have since lived at Scooba and De Kalb.

Q. Of what State are you a native?—A. I was born in Georgia, and raised in Alabama, and have been in Mississippi since 1868. I have only lived in those three States.

Q. Were you in the confederate army?—A. Yes, sir.

Q. Were you in the State of Mississippi during the political campaign of 1875?—A. Yes, sir.

Q, Did you take any part in it?—A. Yes, sir; I took some part in it.

Q. What counties were you in during that campaign?—A. I was in several counties during the time. I at the time represented the district that my county is in, in the State senate. There are three counties in the district, and I was a candidate for re-election.

Q. What counties are in your district?—A. Noxubee, Neshoba, and Kemper, at that time. The State has been redistricted since.

Q. Did you canvass your district?—A. I canvassed Kemper County only, the county I live in.

Q. You may state what was the character of the campaign in 1875. commencing with the first and running right down through.—A. I did not engage in the campaign when it was opened. At the time the republicans held their convention I was in Saint Louis. They nominated their candidates for representative and county officers, but for some reason they did not make any nomination for State senator, and held a convention for that purpose after I returned. I had decided not to be a candidate for re-election or a candidate for any political position. However, after being nominated I concluded to go into the campaign. It was then about half completed in the county. I made several speeches at Scooba, Wahalak, De Kalb, and two or three other places, perhaps, in the county.

Q. Go on and state what was the character of the campaign, and how it was conducted on the part of the democrats.—A. So far as the campaign was conducted on both sides, there was considerable feeling, though only in a few instances of a very excitable nature. At the republican meetings there were large numbers of democrats who attended the meetings, which was something unusual for them, and the speakers generally were interrupted with questions in various ways. So far as my individual scrutiny is concerned I do not think I was ever interrupted at all on the stand while attempting to make a speech. At some places reports would come to us that we could not have any meeting,

that we were going to be interfered with during the time of speaking; but the real excitement that amounted to anything seemed to be about the latter days of the campaign; that is, where I was present, at Scooba, Wahalak, and De Kalb.

Q. State what occurred there. State what the excitement was, and what was done.—A. We closed the campaign in Kemper County with public speaking at Scooba on Saturday before the election, which was held on the following Tuesday.

By Mr. MONEY:

Q. On Saturday?—A. On Friday or Saturday; I will not be positive about the date. It was on Friday or Saturday before the election which was held on Tuesday. There was a gentleman up there, and I do not now remember his name, from Enterprise. He had succeeded in getting a large portion of the colored element, and a great many democrats, white people, who were in there, and he was making a very bitter and, as I thought, a very incendiary speech. There had been threats made to me prior to that in Scooba, by leading men around there, about in this way, that "Next Tuesday," or "the first Tuesday in November your sort will go up, and you will have no longer any influence in Kemper County;" and even in terms worse than that; but I did not pay much attention to them. As there seemed to be some excitement on that day, I went into the office of the mayor, Mr. Wood. There was myself, and Judge Chisolm, Mr. Miller, and Mr. Duke. I do not remember whether there was any one else there or not. These threats had been made to me prior to that. They said, "You shall not, as you have done heretofore, put the ticket into the hands of the negro and make him vote that ticket." We were in there consulting about the manner in which the election should be held. Myself and Judge Chisolm made the proposition to Mr. Duke, to Mr. Miller, to Jones, and Mr. Hab. Wood, the mayor of the town, that we had never been guilty of these charges, and we had never forced anybody to vote any way except according to his own conscience, and that we were perfectly willing to let it be understood by both sides that the democrats could electioneer as much as they pleased; but we would put tickets in some place where it could be understood that republican tickets could be gotten, and all parties who wanted to go and get a ticket, whether republican or democrat, could get their ticket and nobody should interfere with them or bother them, or talk to them at all, but just let them go along and vote as they pleased; and that on the day of the election we would have no canvassing whatever, and not try to influence a single vote. Mr. Wood was disposed to agree to that; but Mr. Duke would not agree to it.

By Mr. TELLER:

Q. Mr. Wood was a democrat?—A. Yes, sir.

Q. Mr. Duke, too?—A. Yes, sir; Mr. Duke would not agree to that. He said he proposed to canvass as much as he pleased. Mr. Jones said he did not propose that there should be tickets taken away from the negroes and they cursed for having voted the democratic ticket as had been done before, or as I had done, rather. I said, "Mr. Jones, if you say I ever cursed any one, or forced anybody to vote any way but according to their own consciences, it is not so." He said, "That is the report all over the country." I said, "The report all over the country then is a damned lie, and the author of it is a damned liar." At that time Mr. Dunlap, the marshal, came in and said there was great excitement out on the street, and he wanted the police force of the town in-

creased. Then I left and I came around to the rear end of the store that I was occupying with myself and brother, and we got some goods-boxes there and assembled a big crowd and we had some three or four speeches. While the speakers were interrupted occasionally, I did not see any excitement at that time; but during that evening and Sunday following there were colored men who came to me, and some white men, too, who were democrats, and told me in a confidential way that they did not want their names exposed, lest it would result in their injury, but that efforts would be made to assassinate myself and Judge Chisolm, the leading republicans, on the day of election; that Alabamians would be over there, and that on Monday night they would have torchlight processions.

Mr. MONEY. This is all hearsay. I wish it understood that it is not necessary for me to object every time.

Mr. TELLER. You had better mention it when you want an objection entered.

Mr. MONEY. I want to object every time that the witness mentions hearsay evidence.

(Objection overruled.)

The WITNESS. They said that there would be torchlight processions that night all over the country.

Q. (By Mr. TELLER.) The night before the election?—A. Yes, sir; and that they intended to assassinate me and Mr. Chisolm. Mr. Orr, one of the managers of the election, told me, "There is no use in talking," said he, "I am afraid to hold the election."

Q. Was he a democrat or a republican?—A. A republican.

By Mr. MONEY:

Q. Was he one of the judges?—A. He was one of the managers of election at the precinct.

By Mr. TELLER:

Q. White or black?—A. He was a white man. He sent around to my room, late on Sunday night, word that he had just been up to see his sister, whose husband was a democrat, up near Wahalak Station, that day; that she had sent for him to be certain to come there; that it was very important that he should go there. He said he had been up there, and his sister had informed him that she had information from her democratic friends of what would be done with himself and other leading republicans there, and advised him not to remain in Scooba, but to leave Scooba until after the election, and have nothing to do with it. He seemed very much alarmed. I knew there were good grounds for being alarmed, but I did not know whether it was so bad. I informed him that I did not think there would be much trouble; that nobody would bother him; that these reports might be put out for the purpose of scaring him. That night there were couriers coming in from the country and posting me of threats they had heard, and asking me if we could not get assistance in the way of United States troops for protection. They said that night-riders had shot into the houses of the colored people at night, and there were people traveling all over the country at all hours of the night.

By Mr. MONEY:

Q. This is what you were told?—A. Yes, sir.

Mr. MONEY. I want to object to the whole of that from the time the difficulty happened in the mayor's office. All has been hearsay since that.

Mr. TELLER. Your objection will cover the whole of it.

(Objection overruled.)

The WITNESS. That was kept up for the whole night. On Monday morning I went down on the streets and I saw men—however, I am getting along a little too fast—I saw men coming in Saturday night and Sunday night. On Saturday, and even Friday night, prior to that, I saw them coming in with guns. I will get back now. On Monday morning the men were in the streets. There was a crowd and there appeared to be great excitement. As I walked down street to my store I heard curses of "God damn the radical party," and "God damn the United States Government," and threats that "We ought to hang them, God damn them," to a great extent all along the street. I had been sent for by a citizen of Scooba, a democrat.

By Mr. TELLER:

Q. Were these white men and democrats that you heard make these threats?—A. Yes, sir; they were all white men and all democrats. I had been sent for by a personal friend, who was a democrat, and he informed me that my life would be in danger, and that in a very short time there would be a lot of Alabamians over there armed, coming there ostensibly for the purpose of assassinating me; that, perhaps, they would go on to De Kalb and assassinate Judge Chisolm and other leading republicans there. I left for De Kalb. I was advised by this friend to go there, and to take a by-way, and not go the main road. I started—I knew the country pretty well, and I took trails winding about a way I did not think was traveled very often, except by deer and wild animals of the forest. I saw that at the roads, as I would approach them at the forks, there were apparently guards stationed, three and four men on horseback, with guns. I got to the house of a man some six or seven miles from De Kalb, who I did not think had much interest in politics. I had befriended him on a few occasions, and I thought he would be my friend. I told him I wanted some water, intending to talk with him. Said he, "Gilmer, what is all this excitement for?" I said, "I do not know. I am nearly perished for water. I do not see any men about." I wanted him to tell me if there was any trouble first. He said, "Yes; there is a young man who just left here, and several parties have just passed by my house with guns."

Mr. MONEY. I object to all that.

(Objection overruled.)

The WITNESS. He said, "Yes; there is a man, who just left here, young Mr. Overstreet. He came here for my gun, and I refused to let him have it. He said the negroes were fighting in De Kalb, and that Judge Chisolm was at the head of it, and the people were hurrying on to Sucarnoochee bridge," a crossing about two miles from De Kalb; and he said to me, "Gilmer, if you go there, you will be killed." I replied that I guessed not. He said, "I will just swear that you will be killed, but do not say a word that I told you." I said, "I want to get to De Kalb. Can I get there without going the road?" He says, "Yes; but there are guards all along the road every mile, and you cannot go in the road to De Kalb without being assassinated." I said, "You do not think they would just shoot me down without giving me some showing, do you?" He said, "Yes; I do not think they would say a single word to you. I think that is the programme, not to open their mouths at all, but just to shoot you and Chisolm on sight." I said, "Well, then, I should like to get you to pilot me through the woods." He said, "I will go and show you about a quarter or half a mile through the woods,

and after that I will show you a road that you will be safe." We started, and when about a quarter of a mile he got scared and seemed to be very much excited, and wanted to go back and get his gun. I waited for him. He told me I better leave my horse in the woods, and take through the woods.

Q. (By Mr. TELLER.) Take it afoot?—A. Yes, sir; he went back and got his gun, and then he said, "I will go with you a quarter of a mile farther, and perhaps you can make your way all right." I insisted upon his going with me, and finally gave him fifty dollars to go.

Q. To go farther, you mean?—A. Yes, sir, to go farther until I got within about two miles of De Kalb, where I knew the woods very well.

By Mr. MONEY:

Q. Are you talking about 1875 or 1876?—A. 1875.

Q. Is not pretty near all that testimony in the Boutwell report?—A. I never was examined by that committee. I was summoned, but was sick.

By Mr. TELLER:

Q. Go on with your statement.—A. This gentleman conducted me some four or five miles through the woods to about two miles of De Kalb. After I crossed the creek, I came across a colored man picking cotton with his wife; I did not know them, but they knew me. This gentleman who piloted me refused absolutely to go any farther. I asked the colored man to go with me, and he went with me and piloted me through the woods to the town. Afterward this colored man, or his wife rather—I was there—told me——

Mr. MONEY. I object to that.

(The objection was overruled.)

The WITNESS. She told me that I had scarcely got out of sight when two parties rode up with double-barreled-guns, inquiring if I went that way, and they said I was somewhere in the woods trying to make my way to De Kalb. I took the precaution before I left to tell her if any one passed by and inquired for me to say that I had not been there, and she says she so answered. I got into De Kalb and found considerable excitement there. I did not go down the streets, but I was nearly there when I met some of my friends, and I found that a report had been put out about me. I had recently been to Jackson, and I found the report had been put out that I had shipped arms to Shuqualak and to Scooba by railroad, and, in addition to that, that I had brought a trunk back from Jackson heavily laden, supposed to contain ammunition; and also that a wagon-load of arms had gone through the country to De Kalb from Jackson, for the purpose of arming the negroes, and, in addition to that, that we had shipped about forty barrels of whisky, which they claimed to be an unusual amount for that little town, and that it was for the purpose of making the negroes drunk and arming them with these guns in order to create an excitement among the colored element to make them attack the whites. I was informed of that by republican friends. When I got to De Kalb I asked for the informant, and they referred me to Captain James Watts and lawyer E. G. Ellis, both lawyers and democrats of that town and county. They said they had got their information from them, and that they were talking about moving their families out of town to get them away from any trouble that might occur on account of a riot from the radical party. I asked Mr. Watts and Mr. Ellis if they believed any such thing. They said they did not hardly think it of me before, but that this report came from a very reliable source. I do not remember what they told me at that time, but y understand-

ing was that they told me that Mr. Duke was the man who wrote the letter up there. I am certain they told me that; but afterward they said I was mistaken, and that it was Mr. Franklin.

Q. Was there any truth in that report about the arms and whisky sent from Jackson?—A. Not in the least. I had been to Jackson, but I took a little hand-valise about this long [illustrating] with me, containing only perhaps a couple of shirts and handkerchiefs. I was only there a day or two, and that was all I took off, and all I brought back with me. If I had shipped these guns at either place, either by freight or express, or sent a package, the agents at each of those depots were democrats and white men, and they would have been bound to have known it.

Q. You did not do it; that is enough.—A. No, sir; I did not.

Q. There was no excuse for the story, then?—A. None, whatever.

Q. You had given nobody any reason to suppose so?—A. No, sir.

Q. You need not state what these men stated about that; it is enough to deny the proposition. Go on and state what further occurred.—A. We went to the woods.

Q. What did you go to the woods for; for safety?—A. Yes, sir. I would not have gone there if it had not been for safety. However, before I went there, there was some excitement about holding the election. Mr. Brittin, Mr. Welch, Dr. Fox, Mr. Ellis, and myself, and some republicans were in conversation. These first I mentioned were democrats. They told me that if the election would go on at Scooba, the managers of the election need not fear; that they would not be interfered with. I told them that if they would write to the leading men to give these parties protection, I would write such a letter to Mr. Orr, one of the republican managers of the election; that if they would assure me that he would not be interfered with, I would write to him that I did not believe they would be interfered with. I wrote to them, and left the note to be sent, and I went into the woods.

Q. This was the Saturday before the election?—A. This was on Monday before the election.

Q. The day before?—A. Yes, sir.

Q. How long did you stay in the woods?—A. We staid there——

Q. Whom do you mean by "we?"—A. Myself, Judge Chisolm, Mr. Rosenbaum, Mr. Hopper, and two or three others.

Q. Were all of you white men?—A. All of us were white men.

Q. And all republicans?—A. And all republicans.

Q. All prominent republicans?—A. Yes, sir; all were prominent republicans.

Q. How many of those men were natives of the South?—A. They are all natives of the South, I believe; most of them for a number of years, at least prior to the war of 1861, citizens of Kemper County.

Q. Go on with what you did. You said you went into the woods. How long did you remain there?—A. On Wednesday or Thursday we returned. It was either Wednesday morning or Thursday morning; I will not be positive. We went into the woods on Monday night and we returned either the first or second morning after the election.

Q. You went on Monday night?—A. Yes, sir; we returned to private residences. We did not go down town. It seems to me it was the second day after the election.

Q. Was the election held that you speak of?—A. That is the report.

Q. You understood they did hold it?—A. Yes, sir; I understood they held it.

Q. When you came back, was there any interference with you?—A. None whatever.

Q. The election was over, and the excitement had subsided?—A. Yes, sir; there was no occasion for interference then.

Q. That was in 1875?—A. Yes, sir.

Q. That ended that election?—A. Yes, sir.

Q. Do you know how the vote was in 1875 in Kemper County?—A. I do not know the total registered vote of the county. It must have been about 2,800 or 2,900.

Q. Which way was the majority of the registered vote, republican or democratic?—A. So far as colored is concerned?

Q. That is what I mean really.—A. They were very nearly equal.

Q. You had some white men who voted the republican ticket?—A. We had some 150 or 200 white men who vote the republican ticket all the time when they can do it without any fear of intimidation.

Q. Are they native southern men?—A. Yes, sir. I do not think there is a northern man living in the county; that is, a man who was born north of Mason and Dixon's line, and who was in the Union army.

Q. All these southern men who voted the republican ticket were also in the Confederate army?—A. Yes, sir; that is my understanding. I did not go into the Confederate army from Mississippi. I went from Alabama.

Q. What rank did you hold?—A. I was second lieutenant in a company at first. I was in a militia or rather an infantry company. I preferred cavalry, and I resigned about twelve months before the war closed, and went as a private in a cavalry company.

Q. How did the vote stand in 1875 in your county? Which party got the majority?—A. The democratic party got the majority by about 900 and something; upward of 900.

Q. Did the republicans poll their vote?—A. I do not think there were more than three or four republican votes cast at De Kalb, a voting-precinct which constituted a whole board of supervisors, and the colored majority there was at least 100, or perhaps more. A great many white republicans in that beat vote the republican ticket when they can, and the democrats voted about their registered vote.

Q. What is the usual majority in the county?—A. The usual majority in the county was from 200 to 300.

Q. Republican majority?—A. Yes, sir. We always counted Kemper at a fair election at 200.

Q. What was your politics before the war?—A. Before the war I was too young to have any politics. I was fifteen at the breaking-out of the war; still I had as much politics at fifteen as I have now; I was in for the South, I was in for the Confederacy.

Q. What I mean really was, whether you belonged to the whig element or the democratic.—A. I belonged to the democratic element. The whole of my people acted with the democrats, and I did until I went to Mississippi.

Q. Do you want to make any statement of anything else that occurred in 1875? Was there any disturbance in any other county that you know of? I do not care about it, unless you know it of your own knowledge.—A. I was in one other county.

Q. Do you know anything about the canvass in other counties?—A. Yes, sir. I canvassed one other county, Warren County.

Q. Was there any disturbance there?—A. Yes, sir; there was a great excitement there and considerable disturbance.

Q. Any that you are personally knowing to?—A. Of my own per-

sonal knowledge I can only give you one or two instances. On the 5th of July, the 4th of July having come on Sunday, there was a meeting gotten up.

By Mr. PEASE, (for Mr. TELLER :)

Q. State anything that occurred, of your personal knowledge, of violence and intimidation in the election of 1875.—A. Some two or three weeks prior to the 4th of July, some of the leading colored republicans in Warren County came to me and asked me what I thought of getting up a mass-meeting of the people there in that county, the colored people especially, and everybody else who would join in with them, to assemble at the court-house on Monday, the 5th day of July, for the purpose of celebrating American Independence, and to invite speakers from abroad—that is, throughout the State, prominent men of both political parties, of both colors. I think, however, they decided, without my giving them any advice one way or the other, to hold the meeting, and asked me to suggest the names of some prominent men there to address them. We got up the meeting. I think Col. Horace Miller, from Vicksburgh, and I cannot think of another prominent lawyer there on the democratic side, were invited to address the meeting. Ex-Governor Powers, Adelbert Ames, the governor of Mississippi, Judge Chisolm, the secretary of state, James Hill, General George C. McKee, member of Congress from that district prior to that time, and, I believe, Judge Bram, and others, were invited over to address the meeting. Only a few of them, however, attended.

Q. State what occurred, and come precisely to the point.—A. The meeting was organized by making myself chairman. There were 1,200 or 1,500 men in the house, perhaps. After we had organized the meeting by appointing a chairman and secretary, a colored man, whose name I forget now, an elder in the church there, read the Declaration of American Independence. I believe that was all he had to say, except some introductory remarks before he proceeded to read it. Then, afterward, Judge Bram, the then circuit judge of the district comprising that county, made a speech, and then next followed Mr. Hill, secretary of state, a colored man. After I had introduced Mr. Hill to the meeting, and while he was making his speech, messengers came to me stating that there would likely be some trouble there; that some one would be killed, and the meeting would be broken up. Some of my friends suggested that I should go down-stairs and see if I could find out whether there was really any good ground for apprehension or not, and, if possible, to try to prevent trouble. I went down-stairs, and I met some prominent men on the other side down there, men I had confidence in, and men who had been my friends as I looked upon them. I asked them if they knew anything about any disturbance. Their reply to me was that they did not; that they did not hardly think there would be any, and if there was to be they did not know it. I met some republicans there, among them General George C. McKee, and I asked him if he thought there would be any trouble. He said, "Well, Gilmer, have you not been here long enough to know the class of people who have come up to this court-house? I think that ought to satisfy you of what is going to be done." Said I, "What do you mean?" Said he, "Do you notice that riffraff and those fellows up there?" I believe that was about the expression he used. I turned off from him at that time and met Dr. Heburn, now a member of the legislature from Warren County.

Q. A democrat or republican?—A. A democrat; he has been a democrat all the time. Dr. Heburn is somewhat of a horse-racer and a

mighty jolly fellow. I had met him several times and we were very intimate. He asked me to walk over across the street to a bar-room and get a glass of beer or whisky, I do not remember which. I concluded I would go, as I would have a chance to talk with him, for I was satisfied he was my friend. We went over, and just as we were going down the court-house steps I heard a pistol go off up-stairs where the meeting was. I recollect I saw three or four men standing near the window, who jerked out their knives, and then two or three other pistols went off. I turned around to go back. Dr. Heburn and two or three other parties that accompanied us—I do not know who the other parties were, but I think they were all democrats; at least they were all white men; they might not have been democrats, but I think they were; I think they were all my friends, at least I thought so at that time—they said, "Do not go back up there." I said, "I must go up and try to preserve the peace." Dr. Heburn says, "They will kill you, and nobody wants to see you harmed." I was not anxious to go back, although I thought if I could have been of any service and could have just quieted their troubles I would have gone back. We went into the bar-room, which was just across the street, and shut the door. We got our drinks, and in a little while I told them I must go up to the meeting. I went out and went over into the court-house. When I got up there every bench, I think, in the court-house (and I took particular pains afterward to notice) was broken to pieces, the backs and legs spread about and torn apart. I saw, however, before I went up there colored men jumping out of the window, out of the upper story; and there were some seven or eight who had a negro down there, a negro by the name of Ben Allen. I do not remember all the parties. Mr. Roan Pegrum was one of the parties who had him down, and they were punching him in the face with spittoons and pistols and pieces of benches that had been thrown apart. Pegrum and I were friendly, and I went up to him and said, "Roan, do not beat that man that way; if you are going to kill, kill him, but do not beat him up that way." I thought that was the best way to get him to stop. He remarked, "John, I will stop." I asked him to stop the rest of them, and he went up to two or three of them, and they all quit. When the negro got up his face was fearfully lacerated. I never saw anything to equal it for a man to live and get over it.

Q. Was there any other violence, any other shooting, or were any persons killed? Be as concise as you can without going into details.—A. Mr. Hill, a white man, who formerly resided in Kemper County, and had been living there, had been knocked down in the door of the room that I occupied in the court-house, and they also shot a Mr. Edwards and some others. Mr. Edwards was a colored representative in the legislature at that time and has been re-elected. He was also badly beaten.

Q. He was a republican member of the legislature?—A. Yes, sir; they were lying up on my bed in the room. There were three rooms that entered one into the other. I went out for Dr. Quinn, and got him up there to wait on them. While he was up there I heard shooting outside of the court-house. Myself and Dr. Quinn walked to the window and looked out, and there were some fifty or a hundred strung along on the court-house square, inside of the court-house yard, shooting at colored men as they were running along the street; and the colored men were running for dear life to get out of the way. I do not know how many they killed. I saw two or three lying there, and one or two were dead.

Q. If you know, state the cause of this riotous proceeding and shoot-

ing and killing there.—A. It was all on one side; they killed negroes.

Q. State what you mean by being all on one side.—A. I mean that the white democrats were killing the negroes.

Q. Had the negroes done anything, to your knowledge, that could have made sufficient reason for such murderous and riotous proceedings?

Mr. MONEY. The witness said he was not in the court-house when the trouble began.

The WITNESS. No, sir; they gave no reason to my knowledge.

Q. (By Mr. PEASE.) Were you the sheriff of the county at that time?—A. No, sir.

Q. Were you holding the office of sheriff?—A. No, sir; I was not holding the office of sheriff at all.

Q. Were you deputy sheriff?—A. No, sir; I had not held the office of deputy sheriff for over a month.

Q. You had been deputy sheriff?—A. I had been chief deputy sheriff, and held the office for some four or five months. I went there about the 6th of February, or rather I took charge about that time, and I remained until I think about the 5th of June, perhaps.

Q. You stated that your place of residence is Kemper County. How did you happen to be in Vicksburgh as deputy sheriff in 1875?—A. I will tell you how I happened to be there. I carpet-bagged over there. That county was a very large county, and it had a larger population than any other county in the State. It was a county that might perhaps wield considerable influence in the politics of the State.

Q. You say you carpet-bagged over there. State to the committee what they are to understand by your carpet-bagging there. What do you mean by carpet-bagging?—A. I mean that any man who leaves his own county and goes into another county and holds office, if he is a republican, is called a carpet-bagger by the democrats. I was only using the term that they apply.

Q. That they apply to persons who hold office?—A. Yes, sir.

Q. State how you came to be employed there as deputy sheriff?—A. There had been great trouble the year previous in Warren County. There was great excitement all over the State, and reports of some two or three riots and the killing of a great many republicans and colored men. The sheriff had been forced to resign his office, and every effort was made that could possibly be made——

By Mr. MONEY:

Q. Is this of your own knowledge, or did you hear it?—A. I know that the trouble occurred. I did not see it, but anybody who lives in Mississippi knows it.

Q. You are stating what you got from newspapers and such sources of information?—A. It was my knowledge that the sheriff did not have a bond and could not make one, and he made arrangements through some of my friends by which I was to make his bond. I thought it was a great outrage that a large and influential county, a county that had at least four or five thousand republican majority, should be handed over to the democrats simply by cheating the republican officials, or rather defeating them from making their bonds when they were elected to positions. I felt that it was a fight being made on account of their being republicans and not against them upon any other ground. On that account I volunteered to go over there and to make Crosby's bond.

Q. To make the bond and run the office?—A. Yes, sir.

By Mr. PEASE:

Q. Was there any disturbance of a political character while you were holding the position of deputy sheriff there in 1875?—A. No, sir; not of a nature to amount to anything of my own knowledge. Afterwards I was out at Bovina, a place about eight miles on the Vicksburgh and Meridian road, holding a political meeting. I went out on the evening train between two and three o'clock with a man by the name of Shadd, a colored man who was formerly the speaker of the House of Representatives. We had been invited out to address the republican club at that place. The democrats had had a meeting at some time on that day. When I got out there they were through with their meeting and they did not bother me at all. I invited several of them up to the meeting, among them Dr. Heburn, as I remember now. Mr. Shadd had made his speech and I followed. I was on the floor perhaps five minutes—not longer than that, I think—when there was considerable excitement without. There was a call for Jack; that was a man by the name of Flanagan; he was there. He is now the democratic sheriff of the county and rather a prominent man. I looked out, but some of my friends there, Dr. Heburn and Mr. Potter, I think, told me to be still, to be quiet. They went out, and in a little while the crowd all dispersed. The colored men left one way and the few whites that were there with few exceptions went out on the train. They had just received a telegram that there had been a riot at Clinton. I saw the train pass by with one hundred or one hundred and fifty men on it, as I was informed. Dr. Heburn said they were going up there to kill and assassinate every republican there, and that was the cause of his going out to stop them. They then heard that we had a meeting, and stopped there on their way to Clinton.

Q. Were these men on the train armed?—A. Yes, sir; I understood they were all armed.

Q. Were they democrats?—A. I presume so. They went out on a special train to Clinton.

Q. State if you know anything of the public sentiment in Warren County toward republicans who go there?—A. With some classes it is pretty bad.

Q. What are we to understand by "pretty bad?" What do you mean by it?—A. I mean that some classes of democrats do not tolerate republicans under any circumstances; while there is another class of democrats who I do not think care, except they are led on. I, however, got along with most of them very well.

Q. Do you know whether there were any armed organizations in the county of Warren or in the city of Vicksburgh, while you were there, of a political character?—A. I was informed by a good many democrats that there were armed organizations there.

Mr. MONEY. I object to that, of course.

(Objection overruled.)

The WITNESS. I know I saw men going out at night with their guns, headed by men that I knew to be their leaders as democrats, and I was informed by other parties who pretended to know they were going out to drill. On two occasions I remember seeing some fifteen or twenty men going out late at night with their guns, and they informed me that they were the Flanagan Guards, I believe.

Q. (By Mr. PEASE.) Do you know the names of any other organizations of a similar character there?—A. If I do, I do not remember now. I have not charged my memory with the matter at all.

Q. Do you know of an organization that went under the name of Modocs?

Mr. MONEY. That is rather a leading question, I think, Senator.

Q. (By Mr. PEASE.) State the name of any organization there.—A. I know it was reportedthat there was an organization using the name of Modocs there, but I do not know whether the report was reliable and well founded or not.

Q. Were you in any other county in your senatorial district during the canvass of 1875? and if so, state whether or not you saw any disturbance.—A. No, sir; I was only in Noxubee once. I was invited there to make several speeches. Appointments were made for me, but I did not go there. I felt this way: I saw the tone while in Vicksburgh; that there was great excitement wherever the colored people predominated, and I had no idea that the republican ticket would be elected. I was not at all surprised at the result of the election in 1875. I went into the canvass against my wishes; not but that I was willing to do everything I could for the party, but because I thought it would be attended with a great deal of danger and that we could accomplish nothing.

Q. Were there any democratic papers published in your senatorial district?—A. Yes, sir.

Q. What was the tone of those papers?—A. I did not read them. One democratic paper I think was published at Macon, but at the time there was none in my county and none in the other counties forming the district.

Q. You have stated then all instances of violence or intimidation that came under your observation in 1875?—A. Yes, sir.

Q. State to the committee what you know in regard to any intimidation or violence that came under your observation in 1876.—A. I took no part, or very little, however, in the campaign of 1876. I did not think it was going to do any good. I did not think it was possible for the republicans to carry the State.

Q. Why?—A. I did not think it was possible under the management. The democrats were making four or five speeches in my county every day, and the report of those who attended them to me was that they were very violent and bitter; that they threatened they would carry the election in the same way that they did the year before; in other words, that they were going to carry it.

Mr. MONEY. Consider the objection made. The witness states too much upon information, that it is hardly worth while to continue repeating objections.

Q. (By Mr. PEASE.) Did you hear anybody make any threats to carry the county, fairly or unfairly?—A. Yes, sir. Do you want me to confine myself to my county in regard to that matter?

Q. To your own county, or any place that came under your knowledge or observation during the campaign.—A. I think it was Tuesday or Wednesday preceding the election which was to come off the 7th of November. Mr. Chisolm had three appointments. He was the republican candidate for Congress in Noxubee, and he closed the canvass; that is, it was to be closed with two speeches, one in DeKalb and one in Scooba.

Q. In Kemper County?—A. Yes, sir. I accompanied him, by request, to Scooba. That is in Noxubee County, on the Mobile and Ohio Railroad, and one of his appointments. He did not speak there. I went with him to Macon, and he made a speech there. I was to go with him to Brownsville. He did not make a speech there.

Q. State the instances where you were present.—A. In Shuqualak; we

got there early in the morning, about an hour by sun, and we immediately went to a hotel. I left Mr. Chisolm there, and I walked down town to the business portion of it, nearly a quarter of a mile from the hotel. I had a good many acquaintances there, and I went around and called on some of them. While there, several parties told me they were afraid there was going to be trouble, and asked me the question, "Do you think that you have any influence with Chisolm?" I replied, "I do not know whether I would have or not." They said, "Well, if you have, for God's sake do not get him to speak here to-day; if he does he will be killed. We are his personal friends. Although we differ with him in politics we are his personal friends. If you can possibly get him not to speak here to-day, do it."

Q. Who were these men who had this conversation with you; democrats?—A. Yes, sir.

Q. Leading democrats, prominent men there?—A. No, sir; they were about as prominent as ordinary citizens.

By Mr. MONEY:

Q. Will you name those men to me right here on this point?—A. Yes, sir; I can name them.

Q. If you please, give their names.—A. There were two Mr. Haneys—George Haney, I think, was one of the given names, and the old man, his father. The old man said he did not think there would be any trouble, but the young man did. Mr. Burridge, Mr. Pat McCaleb, a merchant there, who had been a merchant in the town I live in, was an old citizen of the county, and a man in whom I have confidence; Dr. Campbell, a practicing physician at Shuqualak. Mr. McCaleb went up to the hotel and requested Judge Chisolm himself, in person. After asking me to do it I asked him to go and do it himself. He went there again in person and requested Judge Chisolm not to make a speech, he told me. He said it is impossible to prevent trouble. Mr. Burridge told me——

Mr. MONEY. I object of course.

(Objection overruled.)

A. They said old Mr. Welch was up there and some others. They said there would be some trouble; that there were some parties brought there from Kemper County, and there might perhaps be some Alabamians there.

By Mr. MONEY:

Q. What Burridge was that?—A. Mr. George L. Burridge.

Q. The man who is here now?—A. Yes, sir. Mr. Burridge told me Mr. Welch was there.

By Mr. PEASE:

Q. And that there would probably be trouble?—A. Yes, sir; and he believed there would be. Democrats came in red shirts, fifty or seventy-five perhaps, mounted on horses.

Q. Were they armed?—A. I do not know whether they were or not, but I do not think I saw any arms about them. They rode around on the street on horses in front of the hotel, hallooing and abusing Chisolm. After I saw Chisolm, he decided he would not make a speech there. He—or his son, rather—got a telegram in the mean time from Dr. Olgood, the sheriff of the county, stating not to have any speaking; that he himself and Judge Dillard were on their way there. When they came, Dr. Olgood ordered the republicans to leave; he said they could not have any meeting there.

Q. Dr. Olgood was the sheriff?—A. Yes, sir; he was the sheriff of the county. However, before I left there, there were some twelve or fifteen men dressed in red shirts, who came up there. I do not know what their mission was. The hotel-keeper went out and prevented their coming in. I thought from their gestures that they seemed to be excited, but I heard nothing they said.

Q. You saw them?—A. I saw them.

Q. Were they armed?—A. Some of them had pistols buckled around on the outside, perhaps one or two that I noticed. I will not be positive whether I noticed more than two.

By Mr. MONEY:

Q. Your conclusion, then, about their intention was conjecture?—A. Yes, sir; and only from what I heard afterward. We hired a carriage and we put out. There were two or three buggies and carriages, and some were on horseback. We went to Macon, a distance of about ten miles.

By Mr. PEASE:

Q. You did not hold a meeting there that day at all?—A. No, sir; we had no meeting whatever.

Q. For the reason you stated?—A. Yes, sir; for the reason that we were afraid we would be killed if we held a meeting; that there would be trouble, and some one would be killed.

Q. Did anything else occur that day?—A. On our route to Macon, parties were posted along at two or three houses, at two places, I think, perhaps at three places; but there were only four or five men, and they might have been parties just stopping there. They would halloo at us, or rather swear at Chisolm and curse him. They did not say anything to the rest of the crowd. That is all that occurred that day that I remember now.

Q. Was it a customary thing for the democratic organizations known as clubs in your vicinity and district to be armed?—A. The impression there among the republicans is that they are pretty well armed.

Q. Do you know it of your own knowledge?—A. I never attended any of their clubs.

Q. Have you seen their clubs in procession armed?—A. No, sir; not in 1876.

Q. Have you at any other time, in 1875?—A. Yes, sir; I saw men in Kemper armed in 1875.

Q. Did you see any demonstrations of the kind you have mentioned at De Kalb the day before the Presidential election in November last?—A. Yes; you are examining me on Kemper now.

Q. Yes.—A. I will have to relate my trip to Macon in order to show how we came to De Kalb.

Q. It is not necessary. Just state the instances as concisely as possible.—A. I was at De Kalb Friday evening, on the 3d of November. We got there about an hour by sun; that night there was some shooting and firing of cannon around Judge Chisolm's residence. My residence is a short distance from his. The moon shone very bright, and I could see out. Parties commenced pouring into town early. Some two or three hundred democrats were in procession; perhaps there might have been two or three colored people with them. They marched in front of Judge Chisolm's residence and stopped.

Q. Were they mounted as a cavalcade?—A. No; they were on foot. They had a band there, said to be from Gainesville, Ala., and I presume it was; they had no band in the county that I knew of—a

brass band; and they marched by the front of Judge Chisolm's residence. The first time they marched by, I do not think they shot; but the next time they marched by yelling and whooping like wild savages and firing pistols up in the air. They then marched down town to the nearest grocery and back again. The next time they marched by there they would fire their pistols up into the air, and some of the pistols made indentations into a house; at least there were fresh indentations there.

Q. Do you mean the pistols or the bullets?—A. The bullets. I did not hear any of them strike the house myself; but at the time some of them said, "Listen; they have struck the house." We went out after they passed by, and we found some indentations.

By Mr. MONEY:

Q. You do not know whether there were any there before or not?—A. No; I do not know whether there were any there before or not.

By Mr. PEASE:

Q. Was Chisolm's family in the house?—A. Yes, sir; his family and my own wife and child.

Q. Several ladies and children?—A. Yes, sir; and some others. He had a grown daughter there, and two or three children. There were several ladies and children there from the town. I do not remember now who all were there.

Q. State anything else that occurred, if you know.—A. I believe that is about all I know, near the house.

Q. Do you know of any other occasions when armed men surrounded Mr. Chisolm's house or your house?—A. They never did surround my house; nor did they shoot off any pistols in front of my house. I was informed that a cannon was put there in front of my house to fire off, and that Mr. Welsh, the deputy sherif, went up and ordered it to stop.

Mr. MONEY. I object to all this.

Q. (By Mr. PEASE.) On this occasion you have described the procession marching by Judge Chisolm's house and firing their pistols. Will you state whether or not other bodies of men came there on that day?—A. They marched by there several times, the same procession, I thought. They would form again. They would break up when they went down town, and perhaps in fifteen or twenty minutes or half an hour they would march back again. After the great body of the people had disbanded and gone home, as I thought, there were some few parties standing in front of the jail, which fronts Mr. Chisolm's residence, and some of them had guns and some did not.

By Mr. MONEY:

Q. Was that the same day that this other demonstration occurred?—A. Yes, sir; on Saturday, the 4th of November, 1876.

Q. The same day this other procession marched by the house?—A. Yes, sir. The jailer of the county was out in front of his jail halloaing to the crowd. We could hear him very plainly. He was cursing Chisolm, telling him to come out, and telling him what they would do to him. I do not remember now the exact language he used.

By Mr. PEASE:

Q. Is this jailer a democrat?—A. Yes, sir; appointed by the sheriff of the county there.

By Mr. MONEY:

Q. You heard him do this?—A. Yes, sir; I heard him, and saw it.

By Mr. PEASE:

Q. He was cursing Mr. Chisolm and telling him to come out?—A. Yes, sir; and making threats. I do not know the exact words, either "kill you" or "drown you."

Q. In substance that they would kill him?—A. Yes, sir. Another young man, one of the deputy sheriffs, a young Mr. Welsh, was standing on the ground with his double-barreled gun. I did not hear him making any threats or saying anything, but he was standing by.

Q. Was there any effort made by the officers of that county to quiet these proceedings?—A. No, sir. The sheriff went around and would get hold of a man and take him back just behind the corner of the street and turn him loose, and he would come back again.

Q. The sheriff is a democrat?—A. Yes, sir.

By Mr. MONEY:

Q. That is the jailer you are speaking of?—A. Yes, sir.

By Mr. PEASE:

Q. Was there any appointment for a public meeting at De Kalb on the day on which you described this turbulent proceeding?—A. The republicans had made an appointment there for the republican candidate for Congress to make a speech. The democrats had advertised to have a barbecue there the day previous to that, but they disbanded their meeting, and did not have any barbecue or any meeting, and they all repaired to Scooba, where the republican candidate had advertised to speak—a place about thirteen miles' distance.

Q. This was the day previous, on Friday?—A. Yes, sir.

Q. Instead of having a barbecue at De Kalb, as advertised, they went to Scooba to the republican meeting?—A. Yes, sir. Their barbecue was advertised for Friday, before the appointment of the republican candidate for Congress, which was on Saturday. They did not hold their meeting on Friday at all, but repaired to Scooba. They had, on Thursday, a meeting at Scooba, and then the other appointment was to be at De Kalb on Friday. The republican appointments were to be at Scooba on Friday, and De Kalb on Saturday. We learned that the democrats were waiting over at Scooba for us, and going to have two days' speaking there. We did not go to Scooba at all on Friday.

Q. You abandoned the meeting at Scooba?—A. Yes, sir.

Q. How about the meeting on Saturday at De Kalb? Did you hold the meeting as advertised?—A. No, sir; we did not go out of the house.

Q. Why did you not hold that meeting?—A. Prominent men, democrats, sent word that there would be trouble if there was any effort made to have a political discussion; and the fact that these parties had made threats, and had marched by the residence of the candidate for Congress, who was to speak that day, and fired into his house, struck such terror into us that we were afraid to attempt to speak.

Q. Do you know of any attempts to prevent the free exercise of suffrage of republicans in your county by threats, or a refusal to employ laboring men, mechanics? If so, state, as far as you know of your own knowledge.—A. No, sir. I do not know anything of my own knowledge.

By Mr. MONEY:

Q. Can you give the names of the democrats who said you could not meet that day at De Kalb?—A. If I am not compelled to do it, I prefer not to do it from the fact that they gave it to me in confidence, and it might be a matter of safety to my life in the future.

By Mr. PEASE:

Q. State what you know in regard to the treatment of the United States officers, whether they were interfered with in the exercise of the duties of their office during the year 1875 or 1876?—A. I know of none in the year 1875, and I know of none prior to the election in 1876. There were, perhaps, thirty-odd indictments found for violation of the election-laws in the United States courts for that county.

Q. In what district is that—the southern district?—A. Yes, sir; the southern district of Mississippi.

Q. The indictments were found at a recent term of the court?—A. They were found after the election for a violation of the election-laws.

Q. State what, if anything, occurred.—A. The marshal sent in all three deputies, with writs to make arrests. Some of the deputies made arrests, and took their own personal recognizance to appear so soon, and be ready to do whatever was asked. They were simply to remain there in the town of De Kalb until after the marshal had got all the other parties up. I was informed by the marshal that some of the parties said they would not go unless they would hire a four-horse carriage for them and pay all their expenses. I know only one instance, of my own knowledge, of any intimidation or violence used toward the marshal.

Q. State that as concisely as possible.—A. I heard Mr. Gully——

By Mr. MONEY:

Q. Which Mr. Gully?—A. John W. Gully, chairman of the democratic executive committee.

Q. The gentleman who was assassinated sometime afterward?—A. I do not think he has ever been assassinated.

Q. An attempt was made at it.—A. I heard that he has been shot. I suppose it is so.

By Mr. PEASE:

Q. State what occurred in any attempt made to interfere with the marshal.—A. I heard him tell the marshal "If you are a democrat, what in the hell are you doing up here on this kind of business, after these God damned thieving sons of bitches?" The marshal was rather a soft, quiet talking man, and I could not understand what he said. I was just crossing the street, coming from the court-house over to that side. I was fifteen or twenty paces from him. Gully has a very strong voice, and talked very loud.

Q. Do I understand you that he was the marshal or the deputy marshal?—A. He was a deputy marshal. The marshal himself was not there at all.

Q. State whether or not, on the day mentioned by you, the Saturday preceding the election, there were parties who came to Judge Chisolm, informing him of violence intended to him.—A. There were parties who came up there, as I before stated.

Q. Mention the circumstances. Let us have the names of the parties, and what they said.—A. There were several parties. There was Mr. Hopper.

By Mr. MONEY:

Q. These were republicans?—A. Yes, sir. I do not like to give the names of the democrats unless it is necessary. They only sent word.

Q. You know this to be so, and you are speaking of your own knowledge?—A. Yes, sir, of the parties.

By Mr. PEASE:

Q. State what they said.—A. They informed me that if I went down the street I would be assassinated; that there were threats made that they would kill me. I went to Judge Chisolm and informed him that threats had been made that they were going to Scooba, and if he appeared there they would kill him, and that he should not speak.

Q. This party of informants was composed of republicans and democrats?—A. Yes, sir.

Q. Making any number?—A. There were not very many democrats. They only sent word by these republicans. I know of the republicans bringing the information, and saying they were authorized to speak for these democrats.

By Mr. MONEY:

Q. But there were no democrats in the crowd?—A. No democrats went to the house, of my knowledge, to tell him not to speak.

Q. Then what you know about that is what you heard from these republicans. That is, any information from democrats coming to Mr. Chisolm you only got through republicans?—A. At that time. But I have had democrats to tell me since that they did it.

By Mr. PEASE:

Q. Democrats have verified the statements made by the republicans who gave him this information?—A. Yes, sir.

Q. Were you present at the town of Macon, in Noxubee County, when Judge Chisolm, the candidate for Congress, attempted to make a speech during the late presidential canvass?—A. Yes, sir.

Q. State what you saw and heard there.—A. Judge Chisolm made a speech there, and Mr. Younger, a colored man, replied to him on the democratic side. He was a man they sent over from Louisiana, a very distinguished colored orator. The democrats sent a communication signed by the chairman of the executive committee to Judge Chisolm, asking for a division of time. The communication was handed to Judge Chisolm by a young lawyer of the town. I know the young man very well, but I cannot now call his name. It asked for a division of time and an arrangement for the discussion. Judge Chisolm said he would refer to Mr. White and Mr. McHenry, I believe, two of the republican members of the executive committee, as to whether he should grant a division of time; that he was in the hands of his friends in each county, and he had left that matter altogether to them; that he had done that in the campaign all around the district. The gentleman who handed the communication requested that the reply be written. Judge Chisolm asked me to go down into the office of the hotel and to submit his reply in writing and give it to the gentleman. I did so. They arranged for a discussion. First, Mr. Chisolm was to speak, I will not be positive how long, an hour or two; and then Mr. Younger was to follow him in about an equal division of time; and the arrangement was that then Judge Chisolm should have fifteen minutes or half an hour rejoinder; I will not be positive which it was. I think Mr. Younger had a little longer time, and the rejoinder just covered it so as to make the time equal.

Q. That is all immaterial; state what occurred.—A. While Mr. Chisolm was speaking and Mr. Younger was waiting for his rejoinder, I heard a good many threats, as "How long will we have to stand these damned scoundrels?" "Oh, hell, just listen to the damned republican;" and in that way remarks were made.

Q. This was while Judge Chisolm was speaking?—A. Yes, sir.

Q. By whom were these remarks made?—A. By democrats; you could hear these remarks while the speaking was going on, they were so loud.

Q. They were made by democrats?—A. Yes, sir; I heard some of them say, "Don't bother him now, damn him, wait till he comes to make his rejoinder and we will go for him. Let us get Younger to talk to these niggers."

Q. They said, "When he comes to make his rejoinder we will go for him?"—A. Yes, sir; "We will go for him then." "We will stop him." They were almost all of them armed. A great many of them, however, had been appointed special police or special deputy sheriffs to preserve the peace on both sides.

Q. Were these threats made by persons selected to preserve the peace? Did they say that they would go for him and stop him?—A. They were made in their presence and these officers did not make any effort to prevent it. I will not be positive that any of the parties appointed made these threats themselves. I communicated these things to Judge Chisolm by a note. I could not go to him and I communicated to him by writing. He came down and we went into the office of the circuit clerk. Two of the young men who had been appointed special policemen were there, and they appeared to be pretty nigh what I would call good drunk. They were able to keep up, though. These two young men insisted very much that Mr. Chisolm should go back and finish his speech. They said they wanted to hear the latter part of it; that they were very much interested in hearing Mr. Chisolm. A couple of prominent men, democrats, one of them prominent as a business man, came into the office. I know them very well.

By Mr. MONEY:

Q. What were the names of these men?—A. I do not care to give their names. They told me they did not want their names used in it. They said, "Tell Chisolm not to make any rejoinder. Those fellows are drunk, and we cannot control them, and whatever promises these young men here may make would fool you. I would not pay any attention to their promises at all."

By Mr. PEASE:

Q. They urged that Judge Chisolm should desist from making any further speech on account of fear of violence?—A. Yes, sir; they said any promise to protect him by those young men, or that class of men, would not amount to anything.

By Mr. MONEY:

Q. Do you know the names of these two young men?—A. No, sir; I know their faces very well, but I do not think I can now recall their names. I do not know whether I knew their names then or not.

By Mr. PEASE:

Q. Will you state whether or not you were present at a meeting held at Scooba some time during the latter part of August, 1876, a meeting at which Judge Chisolm was to speak?—A. Yes, sir.

Q. State to the committee what you saw and heard on that occasion.—A. I was there at one meeting in which he spoke. Judge Chisolm informed me that he had been invited by Mr. Neville down town to a joint discussion. Mr. Neville is a young lawyer of that town. Judge Chisolm asked me if I would go with him from DeKalb to Scooba.

Q. Never mind all these matters. Just state what you saw and heard

on that occasion.—A. He appeared there, and after several speeches had been made, Judge Chisolm got up late in the day to make a speech. He was speaking of the democratic party. He referred to Horace Greeley and to what Horace Greeley had said about Samuel J. Tilden. I do not remember the exact words, but in his letter that he wrote to him it was, "Thou canst not shake thy gory locks at me." He charged Samuel J. Tilden with being the cause of frauds in some election held in the State before that. In speaking of Mr. Tilden as a disreputable man in that respect, Chisolm referred to Horace Greeley as authority, and said that "it ought to be good authority, because he was your candidate for the highest position within the gift of the people four years ago." There was a man there by the name of Mr. Carr, who said, "That is a damned lie."

Q. Was he a republican or a democrat?—A. He was a democrat. He said, "That is a damned lie, Chisolm; that sort of stuff;" and he said, "You shall not speak unless you speak the truth." Some other parties said, "Go to hell, God damn you;" and in that way there seemed to be considerable excitement. Mr. Chisolm then said, "Well, I have been invited here to speak; but if I cannot speak, I will not make any effort." Mr. Neville got up and said, "Gentlemen, I invited Mr. Chisolm down here to the joint discussion. He came here at my invitation, and his friends have listened to me and given me an attentive hearing. I want you all to listen to him peaceably and give him your attention, and not interfere with him." Upon that the crowd subsided. Some young men told me that they had been solicited very strongly by some democrats there to keep the peace; that they were afraid there would be a little trouble.

Mr. MONEY. That is not evidence.

Q. (By Mr. PEASE.) Did Judge Chisolm go on with the meeting or not? Was it broken up?—A. I think he went on with it.

Q. Did anything else occur there?—A. There was some talk on the outside. I do not remember hearing anything said directly to his face.

Q. Did you hear any threats made yourself?—A. I heard some remarks that he ought to be permitted to go on and speak, but that he should tell the truth.

By Mr. MONEY:

Q. You say that you are a resident now of Scooba, but have been in Warren County for some time?—A. Yes, sir.

Q. You lived at Scooba before you went to Warren County, I believe?—A. Yes, sir.

Q. And you returned there?—A. Yes, sir.

Q. About 1875, what was the condition of political affairs in your county? In whose hands was the county at that time, and who was responsible for the condition of things there? I mean up to the election in 1875.—A. The county officers were republicans.

Q. And they had succeeded in keeping the county in a lawful state all the time? There was no outbreak or anything of that sort? The laws were strictly complied with and enforced?—A. As much so as in other counties in the State.

Q. Did you not kill a man at Scooba that year?—A. No, sir.

Q. In 1875?—A. No, sir.

Q. Did you in 1876?—A. No, sir.

Q. In 1874?—A. No, sir.

Q. Did you ever kill a man at Scooba?—A. I presume I know what you are driving at.

Q. That is what I want to get at.—A. It was in 1871.

Q. The county was then in the hands of the republicans, and Judge Chisolm was the sheriff?—A. Yes, sir.

Q. Were you ever indicted for that killing?—A. No, sir. There have been some twelve or fifteen grand juries since, both of democrats and republicans.

Q. You were never indicted?—A. No, sir.

Q. Did not a great deal of bitter feeling arise out of the circumstance of that killing on the part of the white people toward you and toward Judge Chisolm, entirely independent of politics?—A. I do not see why there should be any feeling against Judge Chisolm. There was a feeling as between me and some of this party's relations, and I did not speak with most of them.

Q. Was not that extensively used against you in the county? Was there not a great deal of feeling gotten up against you and against Judge Chisolm, who was held responsible for the management of the affairs of that county, he being the sheriff?—A. I do not know whether that was the cause of it or not. A good many democrats told me this party ought to have been killed, and that I was justifiable in doing it, and that if I would go with the democratic party it would be all right.

By Mr. PEASE:

Q. This was in 1871?—A. Yes, sir, in 1871, before I was in politics.

By Mr. MONEY:

Q. Give me the name of some democrat who told you that.—A. I dislike to give you the name of any man who would tell me that the party ought to have been killed.

Q. I do not want you to give that, but give the name of a democrat who said that if you would go with the democrats it would be all right.—A. I do not know that I can exactly recall any particular name just now. I might if you would give me a little time to think over it. But there may have been a hundred who told me so.

Q. And you cannot recollect one of the hundred?—A. Perhaps I can if it is necessary.

Q. I should like to have the names if you can give them. Take time and think of it.—A. Well, sir, I do not believe there is a democrat in Scooba but what has talked to me and told me if I would go with the democratic party it would be all right.

Q. I mean on account of this killing. That is what we are talking about.—A. Perhaps I do not understand your question.

Q. I ask you if a great deal of this bitterness which you complain of toward yourself and Judge Chisolm did not arise out of the killing of a Mr. Dawson by you at Scooba, and your protection by Judge Chisolm, who was sheriff of the county at that time, and the fact that there was no indictment found against you at all.—A. No, sir, I do not think any such feeling exists, from the very fact that the democrats have had the grand jury their own way ever since, and I have not been indicted, and from the fact that we are mighty friendly in our business relations.

Q. Have the democrats had possession of the grand jury since 1871?—A. They have it now.

Q. Is it true that they have had it since that time?—A. No, sir; but they have had the last two grand juries.

Q. This last year?—A. Yes, sir.

Q. Is not that offense barred by the statute of limitations?—A. I hardly think so. I do not think murder is barred.

Q. It was murder then, was it?—A. If it could be made out murder.

I do not know what kind of an indictment they might get. They might make it murder or they might make it manslaughter. I do not think any capital offense of that kind is barred.

Q. Is not manslaughter a capital offense, and was there not a special statute that barred all such offenses?—A. There was a special statute passed.

Q. Providing that an indictment could not go beyond a certain time?—A. Yes, sir; where parties did not leave the State; but that was repealed afterward; and whether that is applicable to my case or not, I have some doubt.

Q. As far as that is concerned, you know that no repealing of the statute would revive the offense.—A. The statute was passed after the offense was committed.

Q. Yes, sir, a good while.—A. And repealed at the next session of the legislature, I think.

Q. But the statute itself wiped out the offense? The fact was that that county was in the hands of republicans and under the administration of Judge Chisolm, and you were not indicted for this offense, call it murder, manslaughter, or whatever you please?—A. Yes, sir. So far as county offices are concerned, the board of supervisors in Mississippi appoint the grand jury.

Mr. PEASE. Have you that statute, Mr. Morey?

Mr. MOREY. I have not.

Mr. PEASE. I think it would be a good idea to have the statute produced.

Mr. MOREY. I guess there will be no dispute about the statute.

The WITNESS. Eight of the grand jury all the time were democrats. Two members of the board of supervisors of the district invariably have appointed eight democrats grand jurors; and the republicans have sometimes appointed democrats on the grand jury.

Q. (By Mr. MOREY.) You will not undertake to state what has been the composition of the grand jury since that time?—A. No, sir.

Q. As far as you are concerned, you were never interrupted in any of your canvassing personally?—A. No, sir; I was never interrupted, not while on the stand.

Q. In the campaign of 1876, you took no part in politics because you knew it was not worth while, you stated, I believe, on your direct examination?—A. Perhaps I may have stated that it was because I knew it was not worth while. I took no part in politics. I do not know that I intended to imply that I knew it was not worth while. But that would have been one reason.

Q. In 1875 you had a meeting at the mayor's office in Scooba with Mr. Chisolm, Mr. Miller, and Mr. Duke?—A. It was Mr. Jones. I gave the name wrong.

Q. There was something like an agreement then that there should be no electioneering on the day of election; that the tickets should be placed where they could be gotten at by both parties, and some gentleman objected to that arrangement?—A. We tried to make that agreement but did not make it. Some man on the democratic side objected to it.

Q. Mr. Jones's objection to it was that you had taken democratic tickets from the negroes and cursed them for voting the democratic ticket, and you denounced that as a lie?—A. Mr. Duke was the man who objected to it.

Q. You denounced that as a lie at the time of the report that you had forced negroes to take republican tickets and cursed them for voting

the democratic ticket?—A. Yes, sir; I denounced that then and ever since as a lie.

Q. This gentleman insisted that you were guilty of that?—A. He said it had been so reported of me.

Q. He insisted that it was the belief?—A. Not any further than that, I think.

Q. When you denounced it to be a damned lie, he did not take your word for it, but insisted that that was the report?—A. I did not denounce it in that way. I said the statement was false. He made the assertion that I should not take the tickets and tear them up, as it had been reported. I said "Mr. Jones, that is false." He said, "Well, it was reported on you throughout the country." And I said it was a damned lie.

Q. On that ground they still insisted, and this agreement was not made?—A. I do not remember his insisting any further than that.

Q. That was the objection to this agreement, and the agreement was not made?—A. The agreement was not made.

Q. At the time the marshal proposed to increase the police force, on account of the excitement, was the marshal a democrat?—A. The marshal was a democrat.

Q. He wanted them to keep down any disturbance and promote the peace of the meeting?—A. I should think so, if he wanted to increase the police force.

Q. Did not Mr. Jones, Mr. Duke, and all the prominent democrats that you talked with there, insist that there should be peace and quiet, and seem as anxious for it as you were?—A. I never saw any effort made on their part at all to keep the peace.

Q. Do you think that action of the marshal would not indicate it?—A. The action of the marshal was the only thing that would indicate it.

Q. He was a democrat?—A. Yes, sir.

Q. All that you stated as having been told at that time, by colored men and white men, that Mr. Chisolm would be assassinated, and that men were coming over from Alabama was hearsay?—A. I did not know of my own knowledge that they were coming.

Q. All this that you told here was hearsay?—A. The reports that I got that they were coming over there, of course, were given to me by others. I did not see them coming.

Q. You did not see any of them coming?—A. No, sir.

Q. You did not hear anybody say that Mr. Chisolm would be assassinated or that anybody else would be assassinated, you only heard reports?—A. O, yes; I have heard lots say since they believed he would have been killed, and one of the special police force on the day of election told me I would have been killed.

Q. Will you give the name of a democrat who told you so?—A. Since the election?

Q. Since, or before. I am more interested in what occurred before, because what occurred since is another matter.—A. Mr. A. G. Ellis.

Q. He lives in Scooba?—A. Yes, sir; he lives in Scooba. He told me he believed if I had been there I certainly would have been killed; but he did not attribute it to the citizens of Scooba.

Q. Was that before or since the election?—A. Since.

Q. I want the declaration of any democrat, or any other man that you can name, who said before the election that Mr. Chisolm, or yourself, or anybody else would be harmed for his political opinions, or for his course in the canvass?—A. Do you mean in 1875?

Q. Yes, sir.—A. I did not get any information from any democrats

who authorized me to use their names. They gave it to me in confidence.

Q. I want their names. You are here on a great public matter and private confidence has to give way before things of this sort. You have made the statement here that men did tell you that Mr. Chisolm would be assassinated in 1875, if he persisted in the canvass. I want the names of those who told you so. It may be necessary to send for those men.—A. I should like to have my testimony on that point read.

Mr. PEASE. I ask the reporter to turn to the testimony in relation to the election at Scooba.

Mr. MONEY. I do not see why that is necessary. I object to it. I am asking a simple question. The witness stated here that certain gentlemen told him that Mr. Chisolm would be assassinated. He did not call a name and therefore it is not necessary to refresh his memory on that point.

Mr. PEASE. I think it is highly proper to give the names.

The WITNESS. I can give the names. The only objection I have to giving names is this: that parties gave it to me in confidence.

Q. (By Mr. MONEY.) I respect your feelings on that point, but this is necessary.—A. They are men of good standing and character there and they may get into some trouble.

Q. If they told the truth I do not see how it would hurt them..—A. They pledged me very sacredly never to divulge it.

Q. These private confidences must give way in matters of this public importance. I respect your feelings, but I insist on the names.—A. If the committee insist that I shall tell it I will give the names.

Mr. MONEY. I insist.

Mr. PEASE. Ordinarily in a court of justice, of course, it would be competent to require the witness to give the names, but I think it would be well under the circumstances to submit the thing to the committee.

Mr. MONEY. You do not object to the propriety of the question?

Mr. PEASE. No, I do not; I think it is highly proper; but I should prefer to have it left to the committee when the Senators we represent are here.

Mr. MONEY. Then it just amounts to this: that we had as well stop this examination, if the witness cannot answer a proper question until the committee is here, and he may refuse to answer any question that works to the detriment of his party.

The WITNESS. I do not refuse to answer any question that I may be required by law to answer. I should like not to be required to divulge some of those names.

Mr. PEASE. I will assume the responsibility, acting in the absence of the members of the committee, in requiring that the witness shall give the names. He does it under compulsion, and I am sure any friend will excuse him, under the circumstances.

Mr. MONEY. That relieves me from any obligation.

Mr. PEASE. Certainly.

Q. (By Mr. MONEY.) Give their names, if you please?—A. Will you please put the question again?

Q. Give me the names of the democrats and republicans who told you that Mr. Chisolm would be assassinated in 1875 if he persisted in the canvass?—A. As to the names of the republicans I cannot give you all of them.

Q. Give me the democrats; I am more anxious about that.—A. I can give you some of them.

Q. Well, sir, proceed.—A. I cannot give you any of them who told Mr. Chisolm this.

Q. Give me the names of parties who told you?—A. I can give the names of parties who told me that they would assassinate us if they found us. Mr. Pool, in Scooba, was one.

Q. Give his full name.—A. John Pool.

Q. He lives at Scooba?—A. Yes, sir.

Q. What did he say?—A. He said that I had better get away from there; that I would be killed if I staid there, and it would be exceedingly dangerous for Chisolm to remain there or to go there at all.

Q. Can you give any other name?—A. Mr. Burwell Sellers told me they would shoot me on sight.

Q. That he would?—A. Not that he would, but that they would shoot me.

Q. Was that at Scooba?—A. I was not at Scooba then; I was on my way from Scooba to De Kalb.

Q. Can you give any more?—A. You will have to give me time to refresh my memory.

Q. You were in Scooba afterwards and were not shot?—A. I was not until after the election.

Q. Were you shot after the election?—A. I was not shot at all, but I was not seen very frequently until after the election.

Q. Recurring to this excitement that they once had in Scooba at the time of the death of Mr. Dawson, whether at your hands or somebody's else, was there not very bitter and violent excitement against you and Judge Chisolm?—A. At that time?

Q. Yes, sir; at that time?—A. Yes, sir; there was a very violent excitement after the thing occurred.

Q. I mean in consequence of that act?—A. I do not know whether it was in consequence of that or not.

Q. It was not before, you said?—A. There was some excitement before, but not so much. I think it was increased after the election.

Q. Could not these threats be traced to that personal feeling on account of this unfortunate affair there as well as political feeling?—A. I hardly think so.

Q. Might it not have been an element in that excitement there?—A. I do not know that caused it. As I said before, with some relations to that party I do not speak even to this day; that is the matter about the shooting of Dawson.

Q. There was an election held in Scooba after that excitement?—A. I presume so.

Q. Mr. Orr was manager there?—A. That is my information.

Q. Your information is that Mr. Orr did hold the election?—A. Yes, sir.

Q. During the prosecution of this canvass of 1875, did any one ever offer you any violence or make any threats to you personally, to your face?—A. I do not remember that they did.

Q. What you have said, then, is hearsay in reference to that matter?—A. I understand the question to be, Did they make it to me personally, or against myself?

Q. Yes, sir.—A. No, sir.

Q. And all the threats that you say were made, were not made to you directly?—A. I think not.

Q. Did you have a pretty full vote in 1875?—A. No, sir; at some of the boxes there were scarcely any republican votes.

Q. You stated that you were informed that it would be dangerous for

you to go to De Kalb by the county road; that you took to the woods, and that you came to a man's house, and he was under great excitement, and went with you; what was the name of that gentleman?—A. His name is Sellars, Burwell Sellars.

Q. The same man you named a minute ago?—A. Yes, sir.

Q. There was a good deal of excitement made there in De Kalb about that time, upon a report that seemed to have come from Scooba through Mr. Duke, that you had shipped arms and whisky to De Kalb and Scooba?—A. I do not know whether that was the cause of the excitement or not. That was the report out there.

Q. They told you that was the cause?—A. Mr. Chisolm told me that they had told him.

Q. You had a conversation with Mr. Ellis and Mr. Watts?—A. Yes, sir.

Q. And they told you that was their belief?—A. I do not know whether Mr. Ellis told me that at the time we had the conversation or not; I will not be positive whether Mr. Ellis represented it or not.

Q. That was about the time of this excitement?—A. It was the Monday before the election.

Q. You stated that a great many armed white men came into town on Sunday or Monday?—A. Men came in there Sunday night, to Scooba, and there were a great many men who came in there on Monday.

Q. And also at De Kalb?—A. Yes, sir.

Q. This information came from Scooba, then, to Mr. Ellis and Mr. Watts?—A. I presume so.

Q. Scooba is the railroad town, I believe, for De Kalb. That is where you get your telegrams and information generally—your mail, &c., for De Kalb, is it not?—A. Yes, sir.

Q. Then you only saw white men with arms at two points in your county—De Kalb and Scooba?—A. Those are the only places where I saw them. There might have been other places.

Q. But there were no others that you know of?—A. I was not at any other places, and consequently could not know of my own knowledge.

Q. These were the two points that you were to ship arms and whisky to, where negroes were going to be made drunk, to carry the election?—A. I do not know whether they had any such information. They received the information, they said, from De Kalb and from Scooba.

Q. Is it not very reasonable to suppose that these armed men were in consequence of that report?—A. I do not think there was any reason to believe so.

Q. But this man told you they believed it?—A. They told me the report was put out.

Q. Did not these gentlemen tell you that Ellis and Mr. Watts had this information from Mr. Duke, and they believed it, and were going to send their families from the town in consequence of it?—A. Information that they were going to leave, to send their families from the town, was given to me by Judge Chisolm. I asked Mr. Watts myself how this report came to be out. I think Mr. Ellis was also present; I am certain he was very near by; we had just been talking together, and he told me it was from Duke.

Q. Then the reasonable inference is that these men who intended to move their families in consequence of this report believed it?—A. If they intended to move their families they believed it.

Q. And they said they did intend to do that?—A. That is what was told me.

Q. These armed men only came to those two points where informa-

tion had been received, which they believed to be true, that you had shipped arms and whisky for the negroes?—A. I heard that there were armed men at other points, but I do know it of my own knowledge.

Q. You went to Jackson about that time?—A. A short time before that.

Q. How long before that?—A. I think it was a week before the election.

Q. Was it that long?—A. It was during that week; I think about the latter part of the week.

Q. What time did you get back to Scooba from Jackson?—A. I will not be positive whether I got back Thursday night or Friday night.

Q. Did you not bring three men from Jackson who represented themselves, and whom you represented, as United States deputy marshals?—A. There were three men who came back with me. I heard they represented themselves as United States marshals.

Q. Do you not know they did?—A. Not of my own knowledge.

Q. Did you not represent them as such?—A. I did not represent them myself as deputy United States marshals.

Q. Did you leave that inference on the minds of the people there in any conversation you had with them?—A. I do not think I was asked the question.

Q. Did you leave the inference on the minds of the people of Scooba, or De Kalb, or anywhere else, that they were deputy United States marshals?—A. There was one of them who was a deputy United States marshal, so Mr. Lake the United States marshal told me, and I may have had that inference.

Q. Did you get that information before or after?—A. He told me before they went there that one of them was a United States deputy marshal.

Q. All three of these men represented themselves to be such?—A. I do not know whether they did or not. That is what the citizens of Scooba say. I know Mr. Lake told me one of them was a deputy marshal.

Q. Which one of them?—A. His name was Davis.

Q. Give me the names of the other two who were not deputy marshals.—A. Let me qualify that. This man told me that he was a deputy. I will not be positive whether Mr. Lake said he was at the time or whether he had been a deputy.

Q. What do you think about it?—A. I think he was; Mr. Lake accompanied us over to Meridian from Jackson.

By Mr. PEASE:

Q. Mr. Lake was United States marshal?—A. Yes, sir.

By Mr. MONEY:

Q. Give the names of the other gentlemen who sailed under false colors as marshals.—A. I do not know that they represented themselves as marshals.

Q. Give their names.—A. Jeff. D. Bell and a man by the name of Eskeroll.

Q. Where is Mr. Bell now?—A. The last information I had of him he was in jail at Canton.

Q. Do you not know that he is in the penitentiary?—A. I knew that he was convicted of murder, but I did not know that he was in the penitentiary.

Q. After conviction they generally put people in the penitentiary. They do not keep them in jail?—A. Sometimes they hang them.

Q. You have been deputy sheriff. You know they did not hang him?—A. My information is that he is in jail at Canton.

Q. Where is Mr. Eskeroll?—A. I do not know where he is. I have never seen him since.

Q. What was the object of these men representing themselves as United States marshals?—A. I do not know that they represented themselves as United States marshals. I know that was the report; but I have no knowledge of it; I do not know it.

Q. Do you not know that these gentlemen had no business in that portion of the country?—A. I do not know that they had any business there.

Q. Do you not know that it was the belief of the democrats of that place that these three men were brought there for the purpose of intimidation at that election?

Mr. PEASE. I object to asking the belief of anybody.

Mr. MONEY. I can ask the witness what he believes about it.

Mr. PEASE. I enter an objection to the question.

Q. (By Mr. MONEY.) Do you not know that it was the impression, the feeling, among the people that those men had represented themselves as United States marshals there, for the purpose of intimidation, to influence the election in some way or other?—A. I do not believe that they thought of it; I do not believe the democrats were in any condition to be intimidated much at that time.

Q. Was that their object in coming there?—A. I do not know that it was.

Q. They came with you?—A. They came with me.

Q. You brought them there?—A. I brought them there.

Q. Will you be kind enough to say why you brought them there?—A. I did not bring them there; they came on the train.

Q. You said a moment ago that you brought them.—A. I should like to correct myself in that respect.

Q. What did you bring them with you for?—A. I did not have them with me for any special purpose.

Q. Was it not to influence the election?—A. I do not think it was.

Q. That is a direct, plain question, and I want you to answer it.—A. I do not think their coming there would influence the election.

Q. You did not bring them there for such a purpose. Do you say that upon your oath?—A. I will state upon my oath what I intended to use them for if I could. I expected there would be trouble, and I intended if, personally, I was assaulted in any way, that I should have as many of my friends as I could for the purpose of giving me protection. I never represented them as being United States marshals. If they represented themselves as such, I do not know it; but I have heard that the people there have said that they did represent themselves as such.

Q. Did any democrats intimate to you anything in conversation that they thought they were United States marshals, or that they heard they were?—A. They might perhaps have done so.

Q. Did you correct the impression?—A. I hardly think I would have corrected it if they intimated it to me, but I am not certain whether they did or not.

Q. Do you not know that they intended to represent themselves as deputy marshals when you were on the road there, and when you started, or at some time?—A. I knew that Mr. Davis had either represented himself to me as being United States deputy marshal or that Mr. Lake told me, I do not remember which.

Q. How about the other two men ?—A. I do not know whether the other two men did represent themselves as deputy marshals ?

Q. Do you not know that it was their intention to pass themselves off and represent themselves as being United States deputy marshals ? Do you not know that that was their intention ?—A. I believe that was their intention.

Q. Do you not know that was their intention ? Did they not tell you so, and did you not have a conversation with them about it ?—A. I might have had some conversation with them about it.

Q. Give me a direct answer. Did you not know that these men intended to represent themselves as deputy United States marshals ?—A. I knew that Mr. Davis would.

Q. I am not talking about Mr. Davis ; that is settled ?—A. No, sir ; I did not know that the other men were going to do it.

Q. They did not tell you that they would do it ?—A. If they did, I do not now remember it. I have not the least recollection of it if they did.

Q. You did not have any conversation with them ?—A. I might have had some conversation with them about it.

Q. The tenor of which would leave upon your mind the impression that they intended to do it whether they told you so or not ?—A. I do not think they did until after they arrived there and this thing was being discussed.

Q. And then what ?—A. They might have. Along late in the evening there was a young Mr. Duke there, and a lot of young men with him. I passed by him, and he was cursing very violently. I did not know who he was, and I asked him what was the matter. He said he was cursing that "God damned United States marshal." I asked him who it was, and he said Eskeroll.

Q. You did not tell him whether he was a deputy United States marshall or not ?—A. I did not tell him whether he was or not.

Q. Which one of these men made the speech there at Scooba ?—A. Mr. Bell made a speech.

Q. Did you hear him ?—A. I heard only a portion of it. I did not think he was much of a speaker, and did not pay any particular attention to it.

Q. Did he not tell the people in that speech that he was United States marshal ?—A. I do not remember. I heard that he did say that, but I did not hear one-fourth of the speech.

Q. Did he not tell them that he was a United States marshal and that he came there in that official capacity for their protection ?—A. He might perhaps have done so. I know, what I heard of it, I thought it was a very uncalled-for speech.

Q. Everybody there in that town understood that he did say so in that speech ; as many people as you conversed with. Was it not the understanding in the community that he had so represented himself ; that he was there for that purpose, to protect the negroes, and that he was a deputy United States marshal ?—A. I do not remember.

Q. Was not that the impression left by his speech on that community ? —A. I do not remember what the impression was.

Q. As far as you could gather ?—A. I never have talked with more than two or three parties about it and then we spoke about it casually. I do not know what the impression was.

Q. You left Scooba then to go to De Kalb, and you said you were afraid to take the main road, and took a by-path. What did you do with

the registration-books that were in your charge?—A. They were never in my charge directly.

Q. Did you have them?—A. I will tell you the way I had them.

Q. You were in possession of the books of registration which were necessary to the polling at Scooba. I want to know what you did with those books when you left Scooba for De Kalb.—A. I will tell you in regard to the registration-books and the way I came in possession of them. The registration-book was brought down there on Saturday morning—I think on Friday evening before the election—which was on the following Tuesday, and, as well as I remember, by Mr. Hopper.

Q. Who is the proper custodian of these registration-books?—A. The registrar.

Q. You were not a registrar?—A. No, sir: but——

Q. Nor a judge of election?—A. No, sir.

Q. But you had these books?—A. No, sir; I did not have the books.

Q. You did not have these books?—A. I do not consider that I did. If you will let me explain it, I will tell you how it is.

Mr. PEASE. You have a right to explain. Explain it.

The WITNESS. As I was going on to state, the book was brought down there by Mr. Hopper and Mr. Spencer. One of the democratic managers of the election was a clerk in the house that I was in. I do not know whether Mr. Hopper gave it to Mr. Spencer or to my brother, but the next morning Judge Chisolm asked me what about the registration-books. I said, "I do not know anything about it." He says, "Hopper brought it down here for this beat, I understand." I turned to my brother and asked him if he knew anything about it. He said, "Yes, it is in the store." He is my half brother. He said, "Mr. Hopper handed it over to me, and I laid it back on the shelf." I said, "It is a very important book, and you have got to give it to Mr. Spencer or put it in the safe." I never knew what he did with the book; I never saw it. That is all that I had to do with it. When I wrote this letter from De Kalb to Mr. Orr, asking him to go on and hold the election, the thought occurred to me that the book might be in the safe; and I stated that Mr. Wood or Mr. Chauncy, both democrats, had the combination to the safe, and would turn the book over to the proper parties to receive it. You can refer to the letter, published in the Boutwell report, by Mr. Ellis, in his testimony, and see the note.

Q. (By Mr. MONEY.) In this note that you wrote to Scooba to Manager Orr in regard to this election, you told him where he would find the books?—A. Yes, sir.

Q. And to go on and hold the election, and there would be no danger?—A. I would rather you should read the note.

Q. I want to get just the fact?—A. I want to give the fact about it, but I would rather you would read the note.

Q. Where is the note?—A. It is in Mr. Ellis's testimony, in the Boutwell Mississippi report.

Q. You do not deny the charge that you had disposed of the registration-book at that poll?—A. I had disposed of it in that way.

Q. You had no authority under the law to dispose of it all?—A. No, I had no authority to be the custodian of the book.

Q. You say that you carpet-bagged to Warren County for the reason that it was a populous republican county, and there were fat offices there?—A. I did not say that I carpet-bagged there for that reason.

Q. What was it that you said you carpet-bagged there for?—A. I said I went there for the purpose of making Mr. Crosby's, the sheriff's,

bond and to assist the republicans; that is, in keeping up an organization there.

Q. You went over there at any rate, and accepted the position of deputy sheriff, did you not?—A. Yes, sir.

Q. You were sworn in as such?—A. I think so.

Q. At that time were you not a member of the State senate from the counties of Kemper, Neshoba, and Noxubee?—A. I resigned my senatorship.

Q. At what time did you resign?—A. About the time I went over there.

Q. Can you recollect the date of your resignation?—A. I will not be positive; it is on file at Jackson.

Q. But it is not on file here. I want to know the date of your resignation.—A. I will not be positive, but I resigned some time while I was over there. I had the date of the resignation.

Q. Did you resign before you went down there, and before you were sworn in as deputy sheriff or not?—A. I do not know whether I did or not. I resigned while I was over there.

Q. Do you not know positively that you did not?—A. I think I resigned when I first went there.

Q. Do you not know you were holding both offices at once?

Mr. PEASE. Do you consider the deputy sheriffalty an office?

Mr. MONEY. I will waive that point; but I want to prove the fact that the witness was a senator when he went over there and took that office.

Q. You say you went over there to give the bond and run the office?—A. Yes, sir.

Q. And at that time you were a senator in the legislature of the State?—A. Yes, sir; at the time I went over there I was senator. I do not know what time I resigned. I resigned when I was there, but I do not know when it was.

Q. You mentioned a disturbance that happened in the court-house. You did not see any of that yourself, except what you related having seen from a window about the close of it? You do not know what the provocation was that began the difficulty? You related that you were half-way down the stairs.—A. I related precisely what I saw and what I did not see.

Q. You do not know what the provocation was that originated the difficulty, or how it began?—A. I could not have seen the first shots fired or who shot them.

Q. You do not know how this difficulty began—who was to blame for it—of your own knowledge?—A. I do not know of my own knowledge.

Q. You were not then deputy sheriff?—A. No, sir.

Q. You said you had a room in the court-house?—A. Yes, sir.

Q. You had an inclination to go back to the court-house while this trouble was going on, but concluded, at the earnest solicitation of your friends, that you would not go; that these personal friends of yours were democrats, and said that nobody wanted to see you hurt?—A. They prevented me from going back.

Q. You went over to take a drink?—A. Yes, sir.

Q. While you and your friends were drinking there the shooting was going on, I suppose?—A. The shooting commenced before we got into the grocery where we went to take our drink, just as I was descending the steps, going out of the court-house grounds.

Q. Was not the sheriff of that county, Mr. Crosby, shot at sometime?—A. Yes, sir.

Q. Was that the day he was shot?—A. No, sir.

Q. What time was he shot?—A. He was shot some time before that.

Q. Was he shot while you were his deputy?—A. No, sir; I was not his deputy.

Q. How long had you ceased to be his deputy when he was shot?—A. Two or three days.

Q. Did Mr. Crosby ever charge you with doing that shooting?—A. Yes, sir.

Mr. PEASE. We are disposed to give considerable latitude in this investigation, but that is not cross-examination. You are starting out in a matter that has not been brought out at all.

Mr. MONEY. Exactly; but you can cross-examine the witness.

Mr. PEASE. That is, you can make him your witness.

Mr. MONEY. Certainly; he is our witness for the cross-examination. You can cross-examine him on everything I ask him. There is no objection to that in the world. [To the witness.] You answered the question that Crosby did charge you with shooting him?—A. Yes, sir.

Q. (By Mr. MONEY.) And he dismissed you then from the office of deputy?—A. I was dismissed before he was shot.

Q. Why did you leave the place, or why were you dismissed? I do not know how you got out of it.—A. The deputy's office?

Q. Yes, sir. You ceased to be Crosby's deputy for what reason?—A. We did not agree. He did not give me any reasons for the dismissal at all.

Q. You stated that at a meeting in Bovina Mr. Shadd and you spoke; that Mr. Shadd spoke without interruption, as you believed, for about five minutes, and you heard an excitement outside, and a call for Flanagan or Jack. Was there any disturbance inside of the house?—A. None at all.

Q. There was no threatening demonstration made toward you?—A. No, sir; I remained in the house.

Q. You saw nothing then?—A. No; I saw nothing threatened at all.

Q. I suppose the train that came by to Clinton caused this disturbance? Were these men going to Clinton?—A. They came from Vicksburgh and stopped at Bovina. That is on the road to Clinton; and the place where the speaking was is a little above the depot, between Bovina and Clinton.

Q. How far from the railroad?—A. It was right on the railroad, within a few paces.

Q. Did anybody leave the cars, or did the train only stop at Bovina?—A. The train stopped at the depot, and they heard this speaking and run up there and called Jack, and then the crowd went out.

Q. They called Jack away from there?—A. Yes, sir.

Q. There was no disturbance of the meeting or the speaking?—A. None of them came into the house.

Q. It was no disturbance of the meeting; they simply wanted this man to go with them to Clinton; they simply called him away from the meeting, and there was no disturbance of the meeting?—A. There was no disturbance of the meeting at all.

Q. In the campaign of 1876 you say you took no part, I believe, and did not because you thought it was no use; that the democrats were exerting themselves very much. How were they exerting themselves—by legitimate methods of electioneering?—A. I stated that that was not altogether the reason.

Q. I did not get any other in my notes.—A. That is not what I intended to state why I took no part. One reason was that I did not think it would do any good; but then I had other reasons.

Q. Your party organized in Kemper County in 1876, did it not?—A. I never attended a meeting there, and I never heard of any meetings except the speaking that I mentioned at Scooba.

Q. What was the vote of your county at the last election?—A. I do not know positively. I think twenty-five hundred.

Q. A pretty fair poll, was it not?—A. I only know that from hearsay. I did not inquire very closely. I think they voted within two or three hundred of the registered vote, or perhaps closer than that; I will not be positive.

Q. In 1876 there was a pretty full and fair vote of that county? I do not ask as to the majority; I ask as to the whole number of the votes cast.—A. That is my impression.

Q. You knew of no intimidation, no threats, and no violence, I suppose, in the canvass of 1876 in your county?—A. Only just what I have related before.

Q. The only threat that you heard made was personally against Mr. Chisolm? You stated that you were down there with several other persons, but the excitement seemed to be directed principally against Mr. Chisolm?—A. Yes, sir; the excitement seemed to be directed against him.

Q. I want to ask you if that was not a great deal from personal causes, and not from any political causes whatever?—A. I do not think it was. I think it was because he was a republican candidate for Congress.

Q. Do you not know that personally, outside of politics, he was an extremely unpopular man in that county?—A. No, sir. I think he is the strongest man that the republicans have there outside of his own party.

Q. Did he run behind or ahead of the Hayes electors of that county?—A. I do not know. The way they count the votes there, it is hard to tell how a man did run.

Q. I am not asking about the method of voting; but after the count was over, how did he stand in reference to the Hayes electors?—A. I do not know positively.

Q. You do not know that he was behind?—A. I think he was behind in some boxes.

Q. I mean in the general count in the county?—A. In the general count I expect he was behind.

Q. Do you not know that Mr. Chisolm had been expelled from the Masonic Lodge on a charge of forgery and perjury at the Center Ridge Lodge or the Spring Ridge Lodge or some lodge down in that quarter?—A. I do not know that.

Q. You saw it published in the paper?—A. Yes, sir.

Q. By the order of the master of the lodge?—A. Yes, sir.

Q. You knew that to be so?—A. I saw the publication. I am not a Mason myself.

Q. You saw the publication in the paper?—A. Yes, sir.

Q. Do you not know that Mr. Chisolm was charged with having forged the name of Mr. Perry Moore to a claim against the Government for one hundred and eighty-four bales of cotton, and that he resigned on the strength of it and was indicted for forgery and perjury?—A. I do not think that he has ever been indicted. I do not know that the paper charged he was. I am mistaken about that. It did so charge,

but I know nothing of the indictment, and I know nothing of the facts further than any man who reads the newspapers as published knows. These charges, I think, occurred before I came into the county, at least before I went into politics or paid any attention to it.

Q. The reason why I ask you this particular question is that I want to show by you that it was Mr. Chisolm's personal unpopularity, that he was so really odious to the people of that county, and these acts of violence were directed toward him, while you and other republicans were exempt from them. That has been the tenor of your testimony.—A. It was directed more toward him than anybody else.

Q. It seems to have been pretty extensively directed toward him. You were never interfered with or threatened in any way yourself?—A. No, sir.

Q. Is it not reasonable to believe after these things happened that he would be very unpopular in his county?—A. If such charges were true I should think it would make anybody unpopular. I have my doubts of anybody believing it to be true, though.

Q. That is a matter of opinion?—A. Yes, sir.

Q. What makes you doubt about it being true? Why do you think that nobody believes it to be true?—A. I did not intend to say that; there are some people who do not believe it to be true.

Q. That is what you did say?—A. I expect there are a great many there who believe it to be true.

Q. If there were many people there who believed it, would not that account to some extent for this violence toward him?—A. I do not see how that would involve him any way. He is there, and he has been twice elected sheriff of the county.

Q. By the republican vote?—A. Yes, sir; I never heard the charges brought up against him before in the canvass.

Q. You never heard those charges brought up before?—A. I never heard them brought up in the canvass.

Q. Were they not brought up in the canvass of 1875, and published in the Meridian paper?—A. If they were I did not know it.

Q. Did you not know it by general report, if you never saw it published yourself?—A. No, sir; I did not know it to be general report.

Q. You stated that Mr. Chisolm and yourself and some others went to the woods. What did Mr. Chisolm do with the registration-books at De Kalb before he went to the woods, or what did the registrar do with them, or whoever had them in charge? Hopper, I believe you said his name was? Who was the registrar there in charge of the books?—A. Mr. Lee, I think, was the registrar.

Q. What did he do with the books?—A. I can only tell you from hearsay.

Q. You need not tell me that if you do not know anything about it. Do you not know it to be a fact that Judge Chisolm locked up those registration-books in the sheriff's safe?—A. I do not know it. I know it to be a fact that it was charged that he did, but I did not go to the court-house that day at all. I think they were in his safe. I do not want to evade any question at all.

Q.. He put them in, very likely?—A. You ask me to answer what I know. If you ask me what I believe, I can answer.

Q. That amounts to knowledge, if a man came and told you he did a thing.—A. I know a committee came up there to his house. I will have to go back a little and tell exactly how I came to know it.

Q. Very good.—A. Mr. Pool came up there and said he had been sent by a committee from the democrats down in town, and that if Judge

Chisolm did not turn over those books within a certain period of time they would go up there and "kill every damned radical in the house." About that time Mr. Ellis, I believe, and Mr. Watts, and I will not be positive but that Mr. Welsh was there talking with them. Doctor Fox and, I think, Mr. Britton sometime afterward had a consultation with me. They said the books ought to be turned over; that the next day was the day for the election, and if Judge Chisolm had them they ought to be turned over. I so went and told Judge Chisolm. I do not remember whether he said he had the books or not, but it was my impression, and I reckon he will not deny it himself, that he did have the books in his safe.

Q. Who by the law is the custodian of these books, the sheriff?—A. By the law, as I understand, it is the chancery clerk. I will not be positive about it, but I think the chancery clerk, unless they are in use, and then the registrars have them.

Q. Then Mr. Chisolm had no right to take those books at all? He made as unauthorized and unlawful a disposition of them as you did at Scooba? He had no authority to take those books and lock them up or do anything else with them?—A. He had no right to demand the books.

Q. He had no right to have them in his custody to lock them up?—A. I do not know whether there is any law against it or not.

Q. You know that he is not the man to have anything to do with them?—A. He is not the custodian of them.

Q. Did not a committee of citizens have to go to Judge Chisolm and demand these books before they got them?—A. A committee did go to him or speak to him about it; I believe they went to him.

Q. They could not get the books until they spoke to him?—A. I do not know. He sent his wife down town, it was my understanding; I do not know whether she took the key or not with her, but it was my impression that Doctor Fox and some others accompanied her, and that they went in there and got the books.

Q. [Producing a paper.] Did you ever see that publication during the canvass of 1876?—A. [Examining.] Yes, sir; I think I read this or something similar to it. I think this is what I read.

Q. Was it not published in almost all the newspapers in the country, and was it not circulated in this form through the country there?—A. In 1876.

Q. Yes, in 1876.—A. I never saw it in this form. I saw it pretty generally circulated in newspapers.

Q. I will make a matter of record of this document except the first page, which is nothing but a correspondence in reference to a division of time. I will ask you about that after a little while.—A. I should like to read the paper over a little to see if it is the same that I saw in the newspapers.

Q. Certainly.—A. [Examining.] I think that is the same.

The paper is as follows:

Chisholm, the republican nominee for Congress in the third district.—Dreadful exposure of crime.—Self-acknowledged forger.—As probate judge, he forged an affidavit for a dead man to establish a cotton claim against the Government.—Resigned his office to avoid exposure.—Was expelled from the Masonic order.—The testimony printed from original papers.—Let the people see the kind of men the radicals select for public office in the Southern States.—Forged affidavit.

[Perry Moore was dead when this affidavit was made.]

THE STATE OF MISSISSIPPI, *Kemper County:*

Before me, W. W. Chisholm, judge of probate in and for said county, personally came Perry Moore, to me well known as a just and reliable citizen in said county, who, after being

by me duly sworn according to law, deposes and says that he was with the United States forces under the command of General Sherman, in the county of Lauderdale, in the year (1864) eighteen hundred and sixty-four, in said State of Mississippi, on or about the 20th day of February of said year, on the road leading from Marion Station to Hillsboro', in Scott County, Mississippi, and he, the aforesaid, saw at one White's gin, on said road, the said United States forces put fire to and burn one hundred and eighty-four bales of lint cotton (184), belonging to Robert J. Moseley. They, the United States forces, stated, and told me it was by order of General Sherman.

PERRY MOORE.

Sworn to and subscribed before me this, the 2d day of February, A. D. 1867.
[SEAL.] W. W. CHISHOLM,
Probate Judge.

THE FRAUD ACKNOWLEDGED.

I certify that the foregoing is a true copy of the original papers, and that the name subscribed thereto, purporting to be the genuine signature of Perry Moore is a base forgery, and so admitted to me by W. W. Chisholm, at the time I arrested said papers in his hands. Said Chisholm was at that time judge of the probate court at Kemper County, and I was clerk of said court.

GEO. L. WELSH.

DEKALB, MISS., *September* 30, 1867.

INDICTMENTS FOUND AND RECORDS STOLEN.—THE DISTRICT ATTORNEY'S SWORN STATEMENT.

THE STATE OF MISSISSIPPI, *Kemper County:*

Before me, F. M. Poole, clerk of circuit court, personally appeared Thomas H. Woods, citizen of said county, who. having been sworn in due form of law, deposes and says:

1st. That, at the September term, 1868, of the circuit court of said county and State, affiant was district attorney for the 6th judicial district, in which said county was embraced, and was present at said term and attended upon the deliberation of the grand jury, and gave to that body such assistance as by law he was required to do, and with his, affiant's, hand, drew the indictments found and preferred by said grand jury at said term of said court.

2d. That among other indictments found by said grand jury prepared and framed by this affiant, presented in open court at said term of said court, was one substantially charging W. W. Chisholm with falsely and fraudulently and knowingly uttering and publishing a certain paper, purporting to have been signed by one Perry Moore, touching the loss of a large lot of cotton alleged, in said paper, to have been the property of one Robert J. Moseley, which said cotton was, in said paper, charged to have been destroyed by the army commanded by General Sherman, in the winter of 1863-'64.

3d. That upon the adjournment of the court, there being a vacancy in the office of clerk of the circuit court, the furniture, records, and papers belonging to that office were, by order of the court, placed in the care and custody of the then sheriff, Mr. H. A. Hopper; that between said September term, 1868, and the next March term, 1869, affiant was informed by said sheriff that his office had been violently opened and entered and all indictments found at the September term, 1868, stolen and carried off. Since affiant has had no further information touching said indictment or its whereabouts.

4th. That the grand jury of the State, at the September term, 1868, was composed of the best men of the county of Kemper and of men of more than ordinary intelligence and unimpeachable integrity.

5th. That, owing to a variety of causes, there has been no term of the circuit court held in said county since said September term, 1868.

THOMAS H. WOODS.

Sworn and subscribed before me June, 1870.
[SEAL.] F. M. POOLE, *Clerk.*

JUDGE FOOTE'S STATEMENT.

The indictment against W. W. Chisholm, referred to above, was presented by the grand jury of Kemper County when I was the presiding judge. The facts as to the indictment are substantially correct.

H. W. FOOTE.

AFFIDAVIT OF A MEMBER OF THE GRAND JURY.

STATE OF MISSISSIPPI, *Kemper County:*

Before me, William Ezelle, an acting justice of the peace in and for said county and State, personally appeared James Haughey and W. B. Lockett, who, having been first sworn in due form form of law, depose and say, and each and every one of them deposes and says:

1st. That they were members of the grand jury for the county of Kemper, in said State,

at the September term, 1868, of the circuit court, in the then 6th judicial district, Hon. H. W Foote being the presiding judge.

2d. That at said September term, 1868, the said grand jury, after patient and thorough examination, found and presented in open court an indictment against W. W. Chisholm, charging said Chisholm, in substance, with the crime of having falsely and knowingly uttered and put in circulation a certain paper purporting to have been signed by one Perry Moore, touching the alleged burning of a large lot of cotton, said to be the property of one R. J. Moseley, by the army of General Sherman, in the winter of 1863–'64.

3d. That in the finding and presentation of said indictment against said Chisholm affiants say for themselves. and undertake to say for their fellow grand jurors, that the proceeding was had, under the functions of their oath, as the deliberate conviction of their best judgment, and that no other conclusion upon view of the said papers so charged to have been falsely uttered and published, with the accompanying testimony laid before said grand jury, could have been arrived at with clear consciences.

JAMES HAUGHEY.
W. B. LOCKETT.

Sworn to and subscribed before me this June 7th, 1870.
[L. S.]

WM EZELLE,
Justice of the Peace in and for said County and State.

CLINCHING THE NAIL—AFFIDAVIT OF THE THEN PROBATE CLERK WHO DETECTED THE FRAUD—HE DEMANDED CHISHOLM'S RESIGNATION.

I, Geo. L. Welsh, citizen of Kemper County, in the State of Mississippi, state upon honor that the accompanying paper, marked "A," purporting to be an affidavit by Perry Moore, as to the burning of one hundred and eighty-four bags of lint cotton by General Sherman's army, in February, 1864, is a forgery, so far as the name of Perry Moore is concerned; that I saw and arrested this paper in the hands of W. W. Chisholm, of said county and State, in April, 1867; said Chisholm was then judge, and I was clerk of the probate court of said county; that upon arresting said paper I demanded Chisholm's resignation, and he did resign. The paper accompanying this statement, marked "B," is his original resignation, wholly written and subscribed by himself. I attended his trial before Center Ridge Lodge, and know that he was expelled, as the accompanying publication states. His Masonic status now is an expelled and published Mason.

GEO. L. WELSH.

JUNE, 1870.

CHISHOLM'S RESIGNATION.

DEKALB, MISS., *May* 6, 1867.

His Excellency B. J. HUMPHRIES, *Jackson, Miss.:*

SIR: I have the honor to this day tender to your excellency my resignation as judge of the probate and county courts in this (Kemper) county, and trust that it will be accepted, to take effect from this date.

I have the honor to be, very respectfully, your obedient servant,

W. W. CHISHOLM.

[Advertisement.]

EXPELLED FROM THE LODGE.

At a regular communication of Center Ridge Lodge, No. 150, of Free and Accepted Masons, held July 4, 1868, in Kemper County, Miss., W. W. Chisholm, a member of said lodge, having been charged with gross unmasonic conduct, was tried and unanimously expelled from all the rights and privileges of Masonry by said lodge.

It is ordered by the lodge that the above be published in the Mississippi Flag.

T. C. MURPHY.

AUGUST 17, 1868.

P. S.—All papers friendly to Masonry please copy.

Q. (By Mr. MONEY.) Then did not this action of Judge Chisolm in locking up these registration-books create a great deal of excitement against him personally outside of politics from the fact that he had taken high-handed and unauthorized authority in disposing of these books without any authority of law for it?—A. I never heard any more excitement than what I have told you.

Q. Could it not be accounted for on that ground more than on the ground of his being a republican?—A. He did not take those books in 1876. Are you examining me in 1875 or 1876?

Q. I am examining you about 1875 now.—A. I do not think that had anything to do with the excitement at all.

Q. You do not think it had?—A. Not the cause of the assembling of parties there in the town and the excitement in the crowd. It of course created some excitement when they went there and demanded the books.

Q. For what purpose were these books hidden there?—A. The information I had was this, that Mr. Lee, a member of the board of registrars, while going into the town had passed near De Kalb two or three squads of armed men. He said some of them were strangers to him, and he did not think that they lived in the county and that he was afraid of violence, and afraid to hold the election. He left town and they sent on after him and overtook him. If the books were in Mr. Chisolm's office he must have left them there, I presume. I suppose that is the way they got there, if they got there at all.

Q. There was no violence offered to Mr. Lee, was there?—A. None that I know. I never saw any at all.

Q. The only demonstrations of violence in that county were directed against Mr. Chisolm. That is your testimony?—A. In 1875.

Q. In 1875?—A. I think it was directed to all. I do not think I testified that the only demonstrations of violence were directed to him. I think it was directed to all republicans.

Mr. PEASE. It seems to me that the witness did not testify to the matter I think as to be extending to him.

The WITNESS. I know what I testified.

Mr. MONEY. I am speaking of the tenor of his testimony. He testified that there was no direct violence offered to him, none to Mr. Lee, none to Mr. Orr, or to anybody else he knows of, but he does testify that there was some offered to Judge Chisolm. It is a summing up of his testimony. [To the witness:] My question is, was not the only violence offered personally to any republican in that county offered to Judge Chisolm?—A. Eighteen hundred and seventy-six was what I testified to.

Q. (By Mr. MONEY.) We are talking about 1875. The matter of the secretion of the registration-books was in 1875?—A. There were some demonstrations of violence, I think.

Q. Well, state them.—A. They were rather demonstrations against the party, but I did not see any violence done to Mr. Chisolm in 1875 any more than to anybody else.

Q. How was it in 1876; was violence directed to any one besides Judge Chisolm in 1876 that you know of?—A. Not of my personal knowledge.

Q. You have been living in that county how many years?—A. I have been there since December, 1868.

Q. I want to ask you if there was not a great feeling in that county against Judge Chisolm as sheriff on account of a land-tax that was collected there?—A. I remember he had some suit some years ago.

Q. There was a good deal of feeling in the country about it?—A. I do not think there was; I never heard of any.

Q. Who was treasurer at the time that tax was collected?—A. I think Mr. Hopper was treasurer; perhaps Mr. Cheney. I will not be positive whether either one was treasurer or not.

Q. That land-tax was how much; do you recollect?—A. No, sir; I do not. Two or three per cent., I think.

Q. Do you know what the aggregate was?—A. I do not know what the aggregate was.

Q. Was it as much as six, seven, or eight thousand dollars?—A. O,

no, sir; I do not think it could be large from the wealth of the county. I do not think it could have amounted to that much, but perhaps it was a thousand or two thousand dollars.

Q. Do you not know that this land-tax, whether one, two, or three per cent., collected there in part, was enjoined by some of the citizens of Kemper County, and that the injunction was granted?—A. I think Mr. Mills, who lives in Columbus, and who has some property there in the county, was down there looking after it and enjoined it.

Q. A number of citizens enjoined it, I believe?—A. I do not know positively about that.

Q. They enjoined it and the injunction was granted by the court, was it not?—A. I do not know the final decision about that matter. I know there was a suit, but it was something that I was not interested in, and I did not pay any attention to its final decision; I think, though, the injunction was granted.

Q. You do not know how much money was collected before the injunction was granted?—A. No, sir; because I had nothing to do with the sheriff's office, or anything connected with it, at that time.

Q. Do you not know that there was a great complaint in that county against Judge Chisolm on account of the collection of this tax, and the people were not able to get any of the money back that they paid to him?—A. I do not think I ever heard half a dozen men speak of it at all. It is my best recollection that I never heard anybody speak of it unless it was Mr. Mills.

Q. My object is to prove that this violence that you have alleged was directed personally to Mr. Chisolm on account of the personal odium which he had incurred in the administration of affairs in that county as sheriff, and not on account of his politics?—A. I cannot answer about that, of course, because I do not know.

Q. You went down to Shuqualak with Mr. Chisolm to speak there?—A. Yes, sir.

Q. You did not speak because you were warned that it would be unsafe for Chisolm to speak?—A. I did not go there to speak.

Q. I mean Mr. Chisolm did not speak on that account?—A. He did not.

Q. Was there any other reason for his not speaking than that?—A. Not that I know of.

Q. He was to speak on the 3d at Shuqualak?—A. I do not remember the day.

Q. Was it on Friday?—A. It might have been. It was Tuesday or Wednesday, I think.

Q. Was there any other speaking there that day by anybody?—A. I do not know that there was.

Q. Did anybody come there to speak?—A. Not that I know of.

Q. Any democrat?—A. Not that I know of.

Q. Did not Younger speak there that day?—A. I never saw him or heard him if he did, and I never heard any one say so.

Q. Did these gentlemen, McCaleb, Campbell and others, who desired that Chisolm would not speak, say positively that he would be hurt or did they have an apprehension that there would be a disturbance?—A. They said there would certainly be trouble.

Q. Did they say on what account?—A. No; they expressed themselves that they were sorry for it. That they were Judge Chisolm's personal friends.

Q. Did they not say they feared personal difficulty between Mr. Chisolm and his personal friends and Mr. Welch and his personal friends

growing out of this charge of fraud and perjury against Judge Chisolm?—A. One of the parties, either Mr. Campbell or Mr. Bird, I will not be certain which, who talked with me, told me in a confidential way that Mr. Welch had been sent for and brought up there that night. That was all they said about that.

Q. Do you not know that the difficulty apprehended was not a political difficulty on account of politics, but the apprehension was that a difficulty would occur upon the meeting of Mr. Welch and his friends and Mr. Chisolm and his friends who had severely denounced each other through the public press?—A. No, sir; I do not think anybody apprehended any difficulty with Mr. Welch.

Q. Nor his friends?—A. I do not know what some of his friends might do in a political campaign, but I do not think anybody was afraid of Welch.

Q. It was not a personal matter with these democrats, but did they not apprehend a personal difficulty?—A. It was not my inference from what they said that they apprehended any difficulty on account of Welch.

Q. Or his friends?—A. No; they said that Welch was there.

Q. Did not they give that as a reason why Chisolm had better not to speak, that Welch and his friends were there, and if Chisolm did speak or appeared there there would be a difficulty between Welch and his friends? Was not that the reason for it?—A. One of them told me that Mr. Welch would be there.

Q. And for what reason he preferred that Chisolm would not speak?—A. He did not say for that reason, but he preferred Mr. Chisolm not to speak; and that, if I had any influence with him, I should get him not to speak. He merely spoke of Mr. Welch being there in connection with the conversation; and he said, if I had any influence with Mr. Chisolm, for God's sake, not to let him speak.

Q. How did he happen to bring Welch into the conversation?—A. I do not know how it came up.

Q. Did he not urge as a reason why Chisolm should not speak that Welch would be there?—A. I do not think he did.

Q. Did not Major Nunn, Captain Nethery, and others insist on Chisolm's speaking that day? Do you know that?—A. I do not believe I know either one of those gentlemen. If they insisted on it I never heard it; at least, I do not remember it. I am pretty certain they did not insist on it in my presence. I never heard of any one insisting on it.

Q. They did not tell you that Mr. Welch was there to make trouble, and for that reason Chisolm should not speak? Nobody said that?—A. No, sir; I think not.

Q. You say the democrats came out in red shirts and rode around?—A. Yes, sir.

Q. That had no particular significance on that occasion; that is a very common thing?—A. I think they were uniformed all over the State that way.

Q. White and colored both?—A. A good many of them.

Q. In your section of the county were not the republicans uniformed in blue shirts?—A. In my county they were not. I saw them in blue shirts in Noxubee County. I do not think there were any red shirts in our county. I never saw more than two or three parties there with them.

Q. The badge of the two parties was red shirts for the democrats and blue shirts for the republicans?—A. I just give it to you as I understand it.

Q. You got a dispatch at Shuqulak from Algood?—A. I did not get the dispatch myself. Mr. Algood's son got it.

Q. And he told you that he and Mayor Dillard were coming down?—A. That they were on the way.

Q. And they did come?—A. That I should wait until they came, or something to that effect.

Q. Who is Judge Dillard?—A. Mayor of Macon, I think.

Q. What was he coming down for? Did he disclose the object of his visit?—A. I was informed by Mr. Algood's son that they were coming down there as special deputy United States marshals.

Q. These three gentlemen?—A. Those two gentlemen.

Q. To preserve the peace?—A. That was my understanding.

Q. To protect everybody there?—A. Yes, sir.

Q. You do not know the object of the visit of these red-shirt gentlemen who came up to the hotel?—A. No, sir.

Q. It is not a very infrequent thing for people to go to hotels in a town even if they are in red shirts? It is very natural for them to go to hotels?—A. I saw them only in the campaign with red shirts.

Q. A man would not be apt to do without his dinner because he had on a red shirt?—A. I do not think he would. They did not come there for dinner, however; it was after dinner.

Q. You cannot say what they came for?—A. They might have come for that. They did not go in the hotel.

Q. You say the democrats gave up their barbecue at De Kalb on the fifth in order to meet Mr. Chisolm at Scooba, and Chisolm did not speak there that day?—A. That was the understanding.

Q. Was it not understood that there was to be a joint discussion there that day?—A. It was not with myself.

Q. You did not know that Mr. Younger had an appointment there that day, the colored man?—A. No, sir; I did not.

Q. The Scooba meeting was abandoned, and you all went up to Macon from there?—A. Yes, sir.

Q. After you got to Macon you stated that there was a division of time, that Mr. Chisolm spoke and then Mr. Younger, and that Mr. Chisolm failed to make his rejoinder?—A. Yes, sir.

Q. What did you say was the cause of his failure?—A. I think he was influenced by what myself and his friends advised him.

Q. Was Mr. Chisolm in the habit of availing himself of the opportunity of making rejoinders?—A. I do not know.

Q. You have not been with him in many discussions?—A. That was the first joint discussion, with the exception at Scooba, where I had been with him.

Q. This United States marshal, you say, was intimidated by Mr. Gully. Was that before or after the election?—A. After the election.

Q. Who was this United States marshal?—A. His name was Barr; H. B. Barr, I think.

Q. He was a genuine United States marshal?—A. He was a special deputy.

Q. I mean he was really a deputy, he was not a bogus?—A. Yes, sir; he was a real deputy.

Q. Tell me how he intimidated this man. Did he prevent him from performing his duty there?—A. I do not know that he was trying to arrest him. He was around there. The marshal staid in town two or three days.

Q. Did he perform the duty for which he was sent there?—A. I think he arrested some of them, and some of them left and went back home.

Q. He was not prevented from any performance of his duty by anything that Mr. Gully said or did to him?—A. I do not know that that prevented him.

Q. He did do his duty at any rate?—A. I do not think he was prevented by that.

Q. Was the intimidation by Mr. Gully asking what he was doing there, what business he had?—A. He said, "What in the devil are you doing up here on that business among these God damned thieving scoundrels?"

Q. If he was a democrat?—A. Yes, sir. "If you are a democrat."

Q. That was not a very pleasant or polite remark; but do you consider that intimidation?—A. I would if I had writs for half a dozen men, or a dozen men, and I, as an officer, went to execute them and the man summoned around him a crowd of his friends and talked in that way. I should think it was an effort to intimidate me whether it intimidated me or not. At any rate I should look upon it that way.

Q. Did Gully summon around him a crowd of his friends?—A. I do not know that he summoned them. I saw them there with him.

Q. That is what you said, that he summoned them?—A. No, sir; I did not say he did summon them. Whether they appeared there on his account or not, I do not know.

Q. You do not know whether he summoned a crowd or not?—A. It is my impression; that is all.

Q. There has been a little attempt to intimidate Mr. Gully since, has there not?—A. I do not know; I have not made any attempt to intimidate him.

Q. I did not say that you had; but has not an attempt been made to assassinate Mr. Gully since that election?—A. The report was that he was shot, and that the attempt was a cowardly act of assassination.

Q. Did you hear any report as to who did it or who caused it to be done?—A. I did not at the time.

Q. Did you at any time?—A. Yes, sir.

Q. By whom did you hear that was done or who did it?—A. I never heard that he ever stated that anybody did it. I heard that he said he knew who did it; but I have never heard who he said did it, or who the suspicion lies on.

Q. What was the report in vogue there about it?—A. The report is that he would not tell who it was that did it; that he knew who it was, but refused to give the name; and I never heard anybody say that they knew who it was.

Q. You know it to be a fact that he was shot from the woods?—A. I have no doubt of it. I have not seen him.

Q. Who did common report there fix upon as the author of it?—A. I do not think that common report has fixed upon anybody.

Q. You have not heard anybody implicated at all in suspicion?—A. I have never heard that implicated anybody.

Q. I ask you if anybody was implicated?—A. I do not remember that I ever heard.

Q. You do not recollect of ever hearing any man's name connected with that matter?—A. Yes, sir; I heard, when it was first done, that he charged it to a negro; I cannot think of his name—Hampton, I believe; D. Hampton, they call him.

Q. Was he arrested?—A. He was arrested at the time; but after examination, they found that he could prove positively that he could not possibly have done it, and they released him. Then I heard afterwards that they ordered another man by the name of Hopper to be

arrested, who was plowing close by where it occurred. It has been a month or more since it was done, I think, and some four or five days before I was summoned. I should say about the middle of the month, the 20th, I reckon, of January, I met Squire Ellis, and I was talking with him, and I think he told me that the suspicion rested on Mr. Rush, of Kemper County. I think I talked with a man by the name of Stuart about it since that. That was about the 26th or 27th of last month, and Mr. Stuart said that he had heard that they charged it on Rush, but he did not believe any such thing. If I talked with anybody else about it it was along about that time, and under such circumstances; if I did talk with anybody else about it at any other time, that I do not remember it.

Q. Were these republicans?—A. Mr. Rush is a republican.

Q. How is Mr. Hopper?—A. Mr. Hopper, the man they started to arrest, is a democrat.

Q. Has he not been holding office there as a republican?—A. No, sir. His brother has held office there as a republican; but this man has always claimed to be a democrat, and voted the democratic ticket.

Q. How is the negro who was arrested?—A. I do not know how he is. He is a sort of crazy negro; not crazy either, but not very bright and intelligent. I suppose he is a republican.

Q. You state that about that time there was information to Chisolm that he must not go down the street or he would be assassinated, and that the information came to republicans who said democrats gave it to them. Do you know the names of those democrats?—A. On Saturday, the 4th of November, 1876?

Q. No; the date I have here was after the assassination of Gully.—A. O, no; I never made any such statement as that.

Q. I may have gotten the date wrong. This came in your testimony after the affair of Gully's.—A. I did not make any such statement as that. If I stated it that way I did not intend to, and I was mistaken about it.

Q. My note is, "After the intimidation of Marshall by the shooting of Gully, republicans told Chisolm if he went down the street he would be assassinated," and you stated that democrats gave such information to Chisolm through republicans.—A. I stated what occurred, I think, on the 4th of November, 1876.

Q. At Macon there was a fair division of time, you say?—A. It was agreed upon.

Q. Chisolm spoke first and then Younger, and then Chisolm refused to rejoin?—A. He did not rejoin.

Q. You heard threats made, you say, "Go for Chisolm if he rejoins," or something of that sort?—A. Yes, sir.

Q. You heard those threats?—A. Yes, sir.

Q. You sent a note communicating these facts to Chisolm?—A. Yes, sir.

Q. You said forty or fifty special policemen were appointed.—A. I think fifty on each side, and there were a hundred. I will not be positive about the number, but I think it was about that.

Q. They were appointed by the mayor of the town, Mr. Dillard?—A. They were deputy sheriffs, and I think they were appointed by the sheriff of the county.

Q. Is that sheriff a republican or a democrat?—A. He is a republican.

Q. He appointed then a hundred special deputies to preserve order and quiet?—A. I think about a hundred.

Q. You say that there was no disturbance?—A. Yes, sir; there was none.

Q. Did you acquaint any of these special policemen or special deputy sheriffs that these threats were being made around the stand?—A. No, sir; I did not acquaint any of them with it. There were two in the room with us after I called Mr. Chisolm in.

Q. I mean when these threats were being made which you communicated to Mr. Chisolm, did you inform the deputies of the threats and ask them to keep order?—A. No, sir; the sheriff was close by.

Q. The sheriff was a republican?—A. Yes, sir.

Q. These men were appointed by him?—A. Perhaps the mayor may have appointed some. I will not be positive about that, but I think they were all appointed by the sheriff.

Q. They made no effort to stop this thing?—A. I saw no effort made. The police that were appointed by the sheriff on the democratic side, with the red shirts, just surrounded the speakers' stand, that is, of the rear portion of it. They got inside. He spoke from the front of the court-house and they got into the windows and all around him. The colored police were thrown out in front among the mass of colored people who were there to hear the speaking. These policemen were the ones, some of them, who were making the threats.

Q. This arrangement of special police, I suppose, was made by the sheriff. They were his deputies and he arranged them in order?—A. I think they were just arranged by the citizens around there.

Q. He had the direction and control of the deputies?—A. Yes, sir.

Q. It was a very natural order to put the black deputies among the black people, and the white deputies among the white people. If you had been sheriff yourself you would have made that disposition of special police?—A. If I had made a disposition of the special police there I would have stopped those rowdies and roughs around the speakers' stand.

Q. My question is, was not that a proper disposition of the police?—A. No, sir; I do not think it was a proper disposition of the police at all.

Q. Then you would put white men among negroes and negroes among white men?—A. I would have divided them around. I would have put some white men among the negroes and some negroes among the white men.

Q. Do you think the black police would be as apt to keep order in the crowd as white police?—A. I think they would be as apt to keep order as the police they had there that day.

Q. I am speaking of the two colors there.—A. It is a great deal owing to politics. If he was a white democrat he could not keep peace among the white democrats if he tried.

Q. You think the sheriff made the best disposition he could?—A. I do not know about his making the best disposition he could.

Q. He is a republican?—A. Yes, sir; he is a republican.

Q. He made the arrangement for this division of time?—A. I do not think he made the arrangement that way. They were just appointed for joint discussion.

Q. Did you make any appeal to the sheriff himself, or did Mr. Chisolm make any?—A. We talked with Dr. Algood about it. I think the sheriff was in the room with us. I do not know what decision he came to, but I think it was pretty unanimous that Mr. Chisolm had better not reply.

Q. On what account was he not to reply?—A. From the threats that we had heard made.

Q. Was Welch there that day with his friends?—A. Yes, sir.

Q. Did you say anything about Welch in this note in which you told Chisolm he better not rejoin?—A. I do not think I said anything about him.

Q. Did you not write that Welch was there, and if Mr. Chisolm spoke again hell would be to pay, or something of that sort?—A. I do not think I did.

Q. Can you not recollect the substance of the note well enough to know whether you did or not?—A. The substance of the note was that I heard threats made in the crowd that whenever Chisolm attempted to make his rejoinder to Younger they would go for him, and I stated that I had grave apprehensions, and it was best for Mr. Chisolm not to reply, or at least to see me.

Q. Did you not say that Welch and his friends were on the ground, or something of that sort?—A. I do not think I did.

Q. Can you state positively whether you did or not?—A. I could not tell exactly what I wrote in the note to save my life.

Q. You stated what you wrote in the note about your apprehensions?—A. I gave the substance of it.

Q. Will you say you did not write that?—A. I will say it is my impression that I did not write that.

Q. You did not write that Welch was there and hell would be to pay?—A. I did not write that Welch was there.

Q. Did you know that Welch was there?—A. I knew that Welch was there.

Q. Did you know about his friends being with him generally?—A. No, sir; I did not know that any were there who were his friends. I did not think that Mr. Welch intended to do anything to Mr. Chisolm myself.

Q. You say that at a discussion in Scooba in August, between Mr. Neville and Mr. Chisolm, there had been certain speeches made that day, and when Mr. Chisolm quoted Mr. Greeley on Tilden, charging the latter with being a party to fraud or something of that sort, some man in the crowd gave the statement the damned lie.—A. Before you go any further there, I should like to correct myself in one respect. I do not know whether the discussion was in August or September. It was in one of those months, and it is my impression that it was August.

Q. Did these parties who interrupted Chisolm tell him they had no objection to his speaking, but that he could not make such a statement?—A. No, sir; they did not say that they had no objection to his speaking that I heard, except Mr. Neville, who got up on the stand as I stated.

Q. After Mr. Neville requested the attention of the crowd did they treat the speaker with respect? Was there any further interruption?—A. No, sir; not after that time.

Q. Did not some one of the crowd say they had no objection to his speaking, but they did not want him to tell a damned lie?—A. They did not say they had no objection to his speaking, but they said he should not speak unless he told the truth.

Q. Party feeling was running pretty high about that time?—A. I do not think it was there. There had been no canvass of the county then.

Q. You have seen a good deal of stump-speaking in Mississippi, of course?—A. Yes, sir.

Q. Interruptions by question are very frequent and not often very politely put there?—A. Yes, sir; but that was different from asking a question.

Q. That was an interruption for which there is no excuse; but is it not frequently the case?—A. It is very frequent in all public discussions that I have heard to ask questions.

Q. And they are not very particular in the choice of their words?—A. I have never attended any speaking, except within the last few campaigns, when insolent questions were asked. It has been usually the case where discussions have been made before republican audiences that only a few democrats were there, until the last campaigns in Mississippi. I do not think I have ever had anything asked me that insulted me in the least, and I do not remember hearing any one else before that time.

By Mr. PEASE:

Q. Did you ever know in your experience as a republican of an instance of a republican interrupting a democratic speaker on occasions of popular discussions?—A. I do not think I ever knew of a republican interrupting a democratic speaker, either with polite questions or any other way, in my life.

Q. On this occasion of which you speak, at Scooba, when the democrats entered a protest against Mr. Chisolm speaking because he was not speaking the truth, was it not understood that the crowd, the rabble there, were to be the judges of whether he was speaking the truth or not?—A. That was my idea, that the man who interrupted him and said that he should not speak unless he spoke the truth should be the judge of what was the truth.

Q. Mr. Chisolm was simply discussing the political issues?—A. That was all.

Q. And reading an extract from a paper.—A. Yes, sir; and giving Horace Greeley for authority. The objection they made to it was Mr. Chisolm's remark, "It is good authority, from the fact that he was your candidate for President."

Q. This statement they regarded as untrue, and for making such statements they proceeded to stop him from speaking?—A. Yes, sir.

Mr. MONEY. That was not his statement at all.

Q. (By Mr. PEASE.) State the purport of your testimony in relation to that matter.—A. I intended to state when Mr. Chisolm held up Mr. Greeley as being the candidate of the democratic party they stated to him, "It is a damned lie, and you shall not tell those damned lies," and there were several other just such utterances by other parties after that. When Mr. Neville got up and called upon the party to inform them that it was a joint discussion between himself and Judge Chisolm; that he had invited Judge Chisolm down there, and they should hear him, they said, "Well, he shall not speak unless he tells the truth."

Q. They were to be the judges of the truth?—A. Yes, sir.

Q. Was it not a notorious fact, I suppose not denied, that Mr. Greeley had been the democratic candidate for President, and was nominated by the Baltimore convention?—A. That is what I thought, but the remark was, "We took him as the lesser of evils, and he was not the democratic candidate."

Q. Do you know what business Mr. Welch had at Macon on the occasion when Judge Chisolm spoke there, and the police were appointed

by the sheriff? Does he live in the county of Noxubee?—A. No, sir; he does not live there. He was up there. I had been informed at Shuqualak that Mr. Welch was there. Some time afterwards I asked the question; it was not that day but since the election, and I forget which one of those parties I was talking with about it, and he said that Mr. Welch had been sent off by Senator Foot, of Noxubee County, and Squire Jarnigan, one of the representatives in the lower house of the legislature.

Q. They were democrats?—A. Both of them; and he said they were brought there to go around in joint discussions.

Q. How far is it from De Kalb or Kemper County, where Mr. Welch resides, to Macon?—A. About twenty miles.

Q. You mentioned in your examination something about the assassination of Mr. Gully, and I think you said that it was rumored that Welch had something to do with it.—A. I heard one or two parties say that it had been so rumored.

Q. It was simply rumor?—A. I do not think there is a general rumor in the county as to who did it.

Q. Has there been anybody indicted for it?—A. No, sir; there has been no one indicted. There has been no session of the grand jury since.

Q. From what source did these rumors of the assassination come, as to the assassination having been perpetrated by Mr. Rush or this colored man? Were they not from democratic sources?—A. They were all from democratic sources. Did I understand your question?

Q. The question is whether these rumors in relation to the attempted assassination upon Mr. Gully were or were not from democratic sources, charging the attempted assassination upon republicans?—A. The parties who talked with me about it were democrats.

Q. Is it not a fact that it is a common practice in the democratic party, and among democratic editors, the democratic press, to charge prominent republicans with grave offenses?—A. They seem to want to hold the leading republicans responsible for everything that they do, or that anybody else does, either democrats or republicans. If they can possibly fix any grounds to charge it I think that they will do it.

Q. In relation to the difficulty at Shuqualak, do you recollect what you stated in your examination in regard to the part Mr. Welch took in that transaction?—A. I never heard him make any threat or say anything there. I did not see him there. I saw a communication in the democratic newspaper, the Kemper County Herald. I do not know the precise words, but the communication was that the boys were there, and everything was all right, that Chisolm and his crowd failed to come to time, and the republican banner of Noxubee County trailed to-day. Those are about the words of the communication.

Q. What is Mr. Welch's business? Is he a professional man?—A. He has been in politics some, and is now the deputy sheriff of Kemper County.

Q. He is a democrat, is he?—A. Yes, sir; he was chairman of the democratic executive committee in 1875, I think, for the county.

Q. You were examined in relation to certain charges made against Judge Chisolm, the candidate for Congress on the republican ticket, reflecting upon his character. I want to ask you whether or not there were charges made against his competitor, Mr. Money, the democratic candidate, charging him with receiving some $3,000 back pay?—A. I think the charge was made pretty much against all democratic candi-

dates in Mississippi, that they had received about $3,150 back pay which they were not entitled to.

Q. And there were charges and counter-charges between these candidates in the democratic and republican papers ?—A. Yes, sir.

Q. A question was asked you in relation to a report, a statement published in the newspapers, that Judge Chisolm had been turned out of the Masonic lodge for certain alleged crimes. Do you recollect what time this occurred—the charge which was made against him ?—A. It occurred several years ago.

Q. About what time ?—A. I declare I cannot tell whether it was in 1870 or 1868, but was made before I took much interest in politics in Mississippi.

Q. It was made a number of years ago ?—A. Yes, sir; but I knew nothing about it until I saw it published in the papers in the last canvass.

Q. Was it not a fact that after this had occurred as alleged Mr. Chisolm was appointed by Governor Alcorn sheriff of the county of Kemper ?—A. Yes, sir ; he was appointed and has been elected two terms successively there.

Q. Do you recollect the vote he received at either of those elections ?—A. The fight in the counties in Mississippi is generally made for the sheriff's office. That is the best county office from the fact that the sheriff is tax-collector. Mr. Chisolm's vote over his opponent for sheriff was about 185 or 1.0 the first time. I cannot think of the amounts now.

Q. His vote over his competitor ?—A. Yes, sir; he had a majority of about 185 or 190 votes. The next time I believe it was 280 votes, or something, two years after. It was nearly three hundred.

Q. His competitor in both of these canvasses was a democrat ?—A. Yes, sir; a very strong and influential man.

Q. State whether or not Mr. Chisolm did not receive a very respectable vote from the native white citizens of his county ?—A. I know of a number of democrats who voted for him who did not vote any other portion of the republican ticket. I know in one or two instances of that being done.

Q. Do you know a man by the name of J. W. Hardin in your county ?—A. Yes, sir.

Q. Was he a candidate for any office at the late election or in 1875 ?—A. I think he was a candidate for tax-assessor.

Q. He was the democratic candidate for tax-assessor in the county of Kemper ?—A. Yes, sir.

Q. State whether or not Mr. Hardin was convicted by confession in an open court for arson.—A. Yes, sir.

Q. Was it not a notorious thing ?

Mr. MONEY. Allow me to ask what that has to do with the case. He was not a candidate at all.

Mr. PEASE. He was a democratic candidate, and you have sought to make it appear that the republican candidates were of notoriously bad character.

Mr. MONEY. No, sir; I wanted to show that the violence which the witness alleged was directed to Mr. Chisolm personally on account of his personal character.

Mr. PEASE. You may object to the question.

Mr. MONEY. I object to it as entirely irrelevant.

Mr. PEASE. It is competent to show, if the people were so sensitive about the character of men, how they felt in regard to their own candi-

dates. [To the witness.] In relation to the registration-books of which you were examined in your cross-examination, will you state who were the proper custodians of those records or books?—A. During the time for holding registration and conducting the election, the registrars. I think the book properly belongs to the chancery clerk's office; I will not be positive about it.

Q. It is so required by law?—A. I will not state as knowing of my own knowledge.

Q. Were these parties who came and made the demand for the registration-books in any way the proper custodians of those books?—A. No, sir; they had no more right to them than anybody else.

Q. They had no more right to them than your half-brother had?—A. Not a bit.

Q. But they were seeking to get possession of them?—A. Yes, sir.

Q. You mentioned something about requesting Mr. Bell and some other party to accompany you to Scooba; state when you made the request of these particular men to accompany you there.—A. I stated to them that I thought the campaign in Kemper had got pretty warm, and from reports coming to my ears from republicans, I was fearful there would be some violence practiced on the republicans there. Mr. Bell stated to me that he was personally acquainted with the sister of Judge Chisolm's wife, and that she had raised him from but a boy, and that she had saved him many a whipping and had been promising a long time to go to see her. He said he was going right after the election, but, said he, "I do not care anything about the election and I will go there with you."

Q. You did not represent that these parties were both United States marshals—Bell, and what was the name of the other man?—A. Their names were Bell, Eskeroll, and Davis.

Q. You stated that you never represented to anybody that they were deputy United States marshals, and you had no knowledge of the fact?—A. I never stated to any one, unless I said that Mr. Davis was, and that was my information.

Q. Mr. Davis had been a deputy United States marshal?—A. Yes, sir. I do not know that I stated even if he had been, but that I understood he was.

Q. The marshal himself told you that he was?—A. Yes, sir.

Q. Was it not a fact that you requested these men to accompany you there because you feared personal violence, and that they were regarded as being very courageous men?—A. I regarded one or two of them as being courageous, and I thought they were my friends. They were not doing anything at the time, and I did request that some of them should stop with me.

Mr. MONEY. I object to that as entirely leading.

Mr. PEASE. I think you indulged in that a good deal and we raised no objections. You can object if you see proper.

Mr. MONEY. I do most assuredly.

Mr. PEASE. I think we have a perfect right to ask a question of that sort in rebuttal. [To the witness.] Is it not a fact that Mr. Bell was a democrat?—A. I always understood him to be a democrat.

Q. Do you not know that he is? Do you not know that he affiliates with that party?—A. Yes, sir; he always represents himself as a democrat to me.

Q. It is your impression that he is now in the penitentiary for murder?—A. No, sir; it was my impression that he was in the county jail. I think he was convicted perhaps for murder, and is in jail.

Mr. SINGLETON. I think he was convicted, and perhaps moved for a new trial.

The WITNESS. That is about my impression.

Q. (By Mr. PEASE.) You stated something about many of the leading democrats, citizens of the town of Scooba, having attempted to induce you to join the democratic party. Will you now not state what they said to you? I think you said in your cross-examination that nearly every democrat in Scooba had said to you that if you would join the democratic party you would be safe?—A. Not only in Scooba, but it extended nearly all over the whole county, with a few exceptions of a few parties who, I think, are enemies on account of my politics, that I do not speak to, and I do not associate with them. With this exception, they told me that if I would go with the democratic party it would be all right.

Q. What did you understand by that?—A. I understood by that that I would be received into fellowship, hail-fellow well met, with brother democrats.

Q. That you would be in no personal danger on account of your political belief, if you only subscribed the democratic faith?—A. I do not regard myself as being in any personal danger, much, now.

Q. You were asked in the cross examination whether or not the feeling of public sentiment against yourself and Mr. Chisolm was in consequence of the killing of a certain man at Scooba. Now I want to know whether or not Mr. Chisolm has not been elected sheriff of that county for two successive terms since the occurrence?—A. Yes, sir; he was elected twice since.

Q. Elected by a very handsome majority of that county?—A. Yes, sir.

Q. Many native white people voting for him?—A. They were bound to vote for him from the majority he got.

Q. You were never indicted for this assault or killing, were you?—A. No, sir.

Q. There have been opportunities, there have been several terms of court since that occurred, in that county?—A. I waived examination at the request of the counsel on the other side before the court, and gave bond—they fixed it themselves at $2,000—for my appearance to answer any charge that the grand jury might bring at the ensuing term of the circuit court. I appeared, was not indicted, and have been there ever since, and have not been indicted for it.

Q. Was not this killing which was brought out in the cross-examination done in self-defense?—A. I felt like it was. There had been a feeling between me and the party. We had been very friendly up to about four weeks before that; I went into the republican convention that was held to nominate a senator; that convention was held at De Kalb. As soon as I went back to Scooba, the young man that I was in partnership with said that my being a republican would ruin the business, and he said he wanted either to sell out to me, or buy me out, one way or the other; that it was very unpopular to be a republican, and would injure the business to a considerable extent. He sent to Mobile for a brother of his to assist him in furnishing the means to buy me out. I was taken down sick in a day or two thereafter, and was confined in my room. This man Dawson came into the town. I knew him to be a desperate man, and he was so held by the community. He marched over the town with his double-barreled gun for a whole day long, cursing and swearing, and wanted to shoot up in my window. He had some eight or ten followers all the time, and the epithets were, "John Gilmer, the God

damned radical son of a bitch." You could hear him all over the town. I would sometimes hear him say, "Let me shoot in the window." They seemed to prevent him going up into my room. He wanted to go up into the room; and after this thing occurred, I think about the first or second time, he came in afterward and he got killed. I sent him word, however; we had been friends before, and I asked a man who was a democrat, by the name of Dunlap, Mr. John R. Dunlap, to see him and ask him if his curses and abuses on me were caused from a political nature, or perhaps he may have heard that I had said something about him in some way, and felt justified in treating me in that manner; and if he had heard anything of that sort, if he had heard any such reports, they were false, and that I was prepared to prove it to his satisfaction; and that I wanted to know whether he abused me for being a republican or whether it was from other imaginary causes. The reply back to me was that he said, no, he had nothing against me, no excuse for cursing me except that I was a damned radical; and that was all the excuse I ever heard for it.

Q. Did he make an assault upon you?—A. Yes, sir; he came into the house. The registrars for the country were holding a registration in Scooba that day. Mr. Davis, one of the registrars, was in my house. He said that Mr. Dawson had threatened him that day when he came up to the registrar's, and he was fearful that he might have some trouble with him. There were some other parties who came in; they had heard Dawson threaten me—that he said no God damned radical should live in the town, and that he was going to go for me that day. They said that he had gone into a saloon to get some sardines and a drink of whisky, and he remarked to the proprietor that he wanted some sardines, or else that would be the last mouthful he would ever eat; that he was going to settle that thing that day. This was information brought right direct to me. The proprietor replied that he had better not do it, "for," said he, "if you attack Gilmer, he will kill you." Dawson said he believed Gilmer would shoot, but he would have to be God damned quick if he got advantage of him.

Q. From what you saw and heard you considered yourself in great bodily harm?—A. Yes, sir; I considered myself in great danger. I did not go up to dinner, from the fact that I did not want to go out on the streets. I wanted, if possible, in every way to avoid a collision. I had moved, prior to that, to Sucarnoochee, a station below Scooba seven or eight miles, purposely to avoid him. I had recently moved back to Scooba. I just came to the conclusion that I had as much right in the town as he or any other man had, and that I would go back and take my chances. He passed by the door and hallooed, "Hurrah for hell! and God damn all radicals in the town." He went into a saloon above there and took a drink, and came out on the door and hallooed to know if Bill Davis was in there. I told him, "Yes." Said he, "You tell him he is a God damned radical son of a bitch." I told him that Davis was in the house there, and if he wanted him told that to come in himself; that I would deliver no such message. He came in with his pistol cocked; and the information having come to me that he said he intended to kill Davis and then he would kill me, I pulled out my pistol. He had his pistol cocked. He fired at Davis, and as he fired at Davis we both shot him. Davis shot him with a double-barreled gun and I shot him with a pistol, and after he fell I shot him again; and there was a great hue-and-cry by the democrats that I had shot a dead man. The democrats met that night. I immediately went and gave myself up to Mr. Frank Robinson, the democratic nominee for sheriff in the county, and

Captain Rush, the then candidate for circuit clerk, I believe, on the republican ticket, and Mr. Chamberlain, a democrat and lawyer there in the county.

Q. Was Chamberlain the circuit clerk at that time?—A. Yes, sir; I requested that they should take me to the sheriff and deliver me up. I was ready to abide by whatever the law might say. I did not give up my pistols, however, and some parties came around to one of the guards; they called Mr. Chamberlain. Mr. Chamberlain came back and said to me that they were making some threats; that you had taken your arms off with you. He said it may exasperate the people against you, and they have come now to know if you will give up your arms. I told him that I had been threatened so much I feared if I surrendered my arms I would not be protected, and I should not surrender them until I got in the custody of the sheriff; and whenever he was prepared to guard me properly then I would turn them over to him as the proper custodian; that I would not turn them over then and be hurt. That night they came in parties from all around the country. There were some of them from Alabama, I think. I heard after that they were from Alabama, and they put a guard all around the streets. They started two or three mobs in the direction of De Kalb on different roads, swearing that they were going to get me and assassinate me. They knocked open the back door of my store-house, and some of them stripped themselves of their own clothing and left their own clothing in my house, and dressed themselves in my clothing. They took out the great majority of the goods in a back street, back of the town—of the business row—and made a fire, and piled them up and burned them. They knocked open the kegs of molasses, and ripped open sacks of salt and sacks of coffee, and knocked out the head of a barrel of whisky. My impression is that they all got drunk. I have been informed since that a great many of them got drunk, and they had a good time. They just strewed coffee and everything along the floor, except what they toted out and burnt. There were two casks of bacon that I recovered; they burnt most of it. I recovered, perhaps, two or three hams, and I saved some five or six barrels of flour, but most of that was damaged. They had knocked out the heads of barrels and piled kerosene oil over them, and only two or three barrels were not damaged.

Q. Did they burn your store-house?—A. No, sir; they did not burn it. The store-house was not mine, it was only rented.

Q. You were tried before a committing-officer, and put under bonds for how much?—A. $2,000. Mr. Davis was tried before the committing-officers, consisting of five magistrates, three of them republicans and two of them democrats, and Mr. Davis was bound over in an appearance-bond of the sum of $2,000. Then the counsel on the other side suggested that me and my friend would agree to give them a like bond of $2,000, conditioned for my appearance to any action that the grand jury of the county might take, and we accepted the proposition.

Q. You were not arraigned before the committing-officers?—A. No, sir; not at all.

Q. You were asked in your cross-examination as to an assault made upon Sheriff Crosby at Vicksburgh; state whether or not a trial was had in that case.—A. Yes, sir.

Q. The assault on him was made in a bar-room?—A. Crosby and myself were the only republicans in there; there were twelve or fifteen democrats.

Q. Never mind the circumstances, but state whether or not you were

tried for that offense.—A. I was tried for it, and by the testimony of those parties who were in there I was cleared.

Q. You were tried before a democratic justice of the peace?—A. No, sir; it was a republican justice—a negro. But all the witnesses were democrats, and I was not even bound to appear at all, nor afterwards indicted.

Q. In your cross-examination counsel introduced a certain pamphlet, and you were asked whether you had not seen this published in the newspapers of the State, and you stated that you had. I will ask you whether or not Judge Chisolm, to whom this pamphlet refers, ever made a reply to it—an explanation?—A. Yes, sir; he replied to it.

Q. (Producing.) Will you state whether or not this card is the reply he made, and whether that was published generally throughout his district?—A. Yes, sir; that is it.

Mr. PEASE. I desire to submit this paper as part of the record in this examination.

The paper is as follows:

CARD FROM JUDGE W. W. CHISOLM.

EDITOR CLARION: I respectfully request that you publish this my reply to certain charges which appeared against me in the columns of your issue of the 3d inst., and ask that other papers that have copied the article will likewise do me the justice to copy this. If there be those who think I have been slow in giving attention to this matter, I will state that as a candidate for Congress I have been busy in the canvass away from home, and have been compelled to rely upon a correspondent to procure such documentary evidence as I deemed important for my vindication.

Your readers will remember that the main charge, and the one on which all the others were based, was contained in the affidavit of one George L. Welsh, and which I here reproduce:

THE FORGED AFFIDAVIT.

(*Henry Moore was dead when this affidavit was made.*)

STATE OF MISSISSIPPI, *Kemper County:*

Before me, W. W. Chisolm, judge of probate in and for said county, personally came Perry Moore, to me well known as a just and reliable citizen in said county, who, after being by me duly sworn according to law, deposeth and says that he was with the United States forces under the command of General Sherman, in the county of Lauderdale, in the year 1864, (eighteen hundred and sixty-four,) in said State of Mississippi, on or about the 20th day of February of said year, on the road leading from Marion Station to Hillsboro, in Scott County, Mississippi, and he, the aforesaid, saw at one White's gin, on said road, about eight or ten miles from Marion Station, the said U. S. forces put fire to and burn one hundred and eighty-four bales of lint cotton (184) belonging to Robert J. Moseley. They, the said United States forces, stated and told me it was by order of General Sherman.

PERRY MOORE.

Sworn to and subscribed before me this the 2nd day of February, A. D. 1867.

[L. S.] W. W. CHISOLM, *Probate Judge.*

THE FRAUD ACKNOWLEDGED.

I certify that the foregoing is a true copy of the original papers, and that the name subscribed thereto, purporting to be the genuine signature of Perry Moore, is a base forgery, and so admitted to me by W. W. Chisolm at the time I arrested said papers in his hands. Said Chisolm was at the time judge of the probate court of Kemper County, and I was clerk of said court.

GEO. L. WELSH.

DE KALB, MISS., Sept. 30, 1876.

To convict this poor wretch Welsh of being at once a simpleton as well as a liar, I call the attention of the public to the following extract from the records of the probate court of Kemper County:

STATE OF MISSISSIPPI, *Kemper County:*

To the honorable John McRea, judge of the probate court of said county:

The undersigned, Jordan Moore, petitions your honor to grant him letters of administration on the estate of Perry Moore, deceased, of said county, and in making this petition

would state that said decedent departed this life on or about the eighth day of February, 1867; that he died without a will, seized of effects in said county upon which it is necessary that administration should be had, and in duty bound your petitioner will ever pray.

JORDAN MOORE.

Sworn to and subscribed before me August 12, 1867.

GEO. L. WELSH.

STATE OF MISSISSIPPI, *Kemper County:*

I, H. Rush, clerk of the chancery court in and for said county, do hereby certify that the foregoing is a correct copy of the letters of administration upon the estate of Perry Moore, deceased, as appears upon file and on record in my office at De Kalb this October 24th, 1876.

H. RUSH, *Clerk.*

Welsh says that Perry Moore was dead before the affidavit in regard to the cotton was made, and that was on the 2d day of February, 1867, and yet Jordan Moore made affidavit before this same George L. Welsh that Perry Moore died on or about the 8th day of February, 1867. See how plain a tale will put a lying scoundrel down. By the records of his own court he stands a convicted liar. Need I say more? I would not trouble myself to say this much to people who knew this Welsh, but many read the Clarion who have no means of knowing what reliance is to be placed in this fellow George L. Welsh, so I present them these two papers so that they may have no difficulty in determining. Now, upon this slanderous charge of Welsh, all the superstructure of persecution against me has been raised. Proving the foundation to be false, what becomes of the edifice?

This same George L. Welsh says that "he arrested Perry Moore's affidavit in my hands; that I admitted that it was a forgery; that he demanded my resignation, and I did resign." I congratulate Welsh in doing what he seldom does—stumbling upon one scrap of truth, for "I did resign," but that I did it upon the demand of George L. Welsh or any one else is a falsehood too infamous to be coined by any other than his brain, which is so notoriously fruitful of such productions. When I did resign my successor was appointed upon my recommendation. When we are both known, the idea of George L. Welsh demanding anything at my hands will sound preposterous indeed. Alone and together, he would not risk his cowardly carcass within reach of the toe of my boot, except he was acting the part of a cringing cur.

Affidavits from T. H. Woods, district attorney, and James Haughley and W. B. Lockett, members of the grand jury in 1868, declare that I was indicted for forgery in uttering the Perry Moore affidavit. That may be true; but I was present at the close of that inquisition and never heard it. If so, it was of course *ex parte*, and founded doubtless upon the testimony of George L. Welsh, who we see has written and doubtless then swore that Perry Moore was dead before the affidavit was made. Now, whatever the grand jury thought, if they ever found such a bill upon Welsh's testimony, it is now beyond dispute that he lied, and lied in the face of his own records. It is true that the records of the court were stolen in 1868, and a ku-klux cap was found in the office after the thieves had departed.

But whether I was indicted or not, the fact remains that fourteen terms of the circuit court had been held in Kemper County since that time, and I have never been called to answer.

In addition to this, I may say that this is not the first time that this matter has been before the public. In 1871 an anonymous letter, addressed to Governor Alcorn, appeared in the Clarion containing substantially the same charge. It was a subject of investigation by the governor, but he became satisfied that it was a malicious slander, and subsequently appointed me to the office of sheriff of the county, to which position I have been twice elected since that time by people who knew of Welsh's slanderous falsehoods, and knew what value to give them. It is true that I was expelled from the Masonic lodge. Welsh is a Mason; so were his coadjutors. Pending the movement against me in the lodge, I was assured by T. C. Murphy, S. Gully, and Charles Bell that if I would be quiet politically it would be "all right" in the lodge. Having been taught, even before I became an entered apprentice, that the obligations of Free Masonry would not interfere with my religious or political opinions, be they what they may, my duty to my God, my neighbor, or myself, I declined to yield to the demands of the "brethren," and was expelled because I was a republican and forced to avow my sentiments.

Besides showing how basely slanderous and false this creature Welsh is, I might introduce him in a new act, and cast another shadow upon his character, by showing his connection with county warrants in Kemper County, and other deeds darker still. But at present I am only engaged in proving him a liar, too distinct and unequivocal for the public to regard. I may give a chapter on other elements of his character hereafter, if any one should question his business.

Very respectfully, yours, &c.,

W. W. CHISOLM.

Q. (By Mr. PEASE.) I think you said that you suffered no personal violence in the campaign of 1876; was that your statement in the cross-examination?—A. Yes, sir.

Q. Were you a candidate for any office in 1876?—A. No, sir.

Q. But you were a candidate for office in 1875, when you were obliged to fly to the woods?—A. Yes, sir.

Q. And made your way from Scooba to DeKalb?—A. Yes, sir; I was a candidate for re-election to the State senate.

Q. How long have you been acquainted with Judge Chisolm?—A. I became acquainted with him immediately after I came to the State.

Q. Will you state what is his general repute for integrity and honesty among the republicans of the State? What is his reputation?—A. I think he stands rather prominently among them. He received the nomination, I think unanimously, for Congress, and was very flatteringly spoken of in the State convention four years ago for a place on the State ticket.

Q. Will you state whether or not, in the district in which he was nominated, there were a large number of native white republicans who indorsed Judge Chisolm for Congress?—A. Yes, sir; there are a great many of them in our county. In Kemper they were all enthusiastic for him. He had been a candidate against Judge Niles in the convention three years before that, and the county was instructed for him, and was also instructed for him in the State convention. Up there in East Mississippi, as I said, there are more native republicans than in other parts of the State.

Q. Chisolm had been sheriff of your county something like six years?—A. Yes, sir.

Q. Do you know whether or not his accounts with the State auditor were audited, and whether or not his settlements were all made in accordance with law?—A. So far as I know they were. I have never heard anything charged to the contrary.

Q. You heard no complaint?—A. No, sir.

Q. He has been sheriff there for six years?—A. Yes, sir; and he has property there that they can make it out of if there is anything behind.

WASHINGTON, *February* 6, 1877—7.30 p. m.

JOHN P. GILMER'S examination resumed.

The WITNESS. Before you commence I should like to make a little explanation in relation to a question that was asked me in my examination in-chief to-day. Since I left here I have been thinking over what I testified to. I think I was asked if I knew any person who refused to employ or who discharged parties on account of their politics, and, as well as I remember, I answered I did not. I could not, at the time, recall to memory any case. Since then I have thought of one person, and that is the only one, that has just accidentally occurred to my mind in thinking over it, who informed me that if the hands on his place—the negroes he spoke of—voted the republican ticket he would discharge them; that no man who voted the republican ticket should work his land.

By Mr. PEASE:

Q. What was his name?—A. J. Scott Spencer.

Q. When was that?—A. That was in the year 1875. He was the democratic representative on the board of election in Scooba precinct. Then, too, there is another matter that I should like to explain. I did not think that I would be examined in regard to that matter, and as there was some little interest manifested to try to show that I had not

very good motives in going over to Warren County in making Mr. Crosby's bond——

Q. Crosby was the sheriff?—A. Yes, sir; he was the sheriff. As I before stated, there had been a riot before I went to the county, and the news was all over the State that every effort that was possible to be made was being made to prevent the republican sheriff there from making his bond. I had been asked by leading republicans of the State if I could render any possible assistance to do so, and at their instance I concluded to go on. I consulted a great many, however, who advised me not to go; among them General Charles E. Furlong, who was formerly the sheriff, and at that time a State senator, and Senator Little, now the postmaster at Aberdeen. Senator Little had been over there on a legislative investigating committee in regard to the riots and troubles that had existed in that county. I thought that he was pretty well posted about the temper and feeling of the people there, and he advised me that he would not go there under any circumstances, for any kind of pay or anything else; that nothing could induce him to take his chances there as the deputy sheriff for Crosby, or to make his bond; and General Furlong informed me by all means not to go. He said, "There are plenty of people there, many roughs and rowdies, that can be hired to assassinate you for twenty-five dollars. They will shoot you down from the street-corners, or anywhere you go, and you cannot be protected there. The people will not stand anybody to make Crosby's bond, and a regiment of United States soldiers could not protect you there."

By Mr. MONEY:

Q. This is what they told you?—A. That is what they told me.

Q. You do not assert it to be true?—A. I did not need any regiment of United States soldiers.

Q. You do not say that state of things was actually existing there?—A. I found a very bad state of affairs in the county.

Q. You only give that as statements made to you, and not of your own knowledge?—A. Only as coming from them. That is all I desire to say.

Q. What is the name of the man about whom Senator Pease asked you if he did not confess to being guilty of the crime of arson in open court?—A. Hardin.

Q. Is it true that he confessed that he was guilty of that crime, or did he not go and confess judgment for the goods burned at your store at the time you speak of the mob sacking the store and burning the goods?—A. There were a number of indictments found against parties for sacking the store and taking the goods.

Q. I am speaking of this particular individual?—A. There were some twelve or thirteen, and they all agreed that it was impossible to arrest them. They laid out in the woods and got beyond the reach of the law, outside of the limits of the State.

Q. I understand that. I want to know whether it is not the fact that this man went into court and confessed judgment for the value of the goods, and that he did not plead guilty to the crime of arson?—A. It was the fact that he pleaded guilty.

Q. What was the amount?—A. I do not know the amount; but about two hundred dollars, I think, he confessed judgment for.

Q. He confessed judgment?—A. Yes, sir; he confessed judgment as to going into my store, and pleaded guilty to the charge. There was a civil suit brought against him in addition to his having been indicted.

By Mr. PEASE:

Q. In addition to the criminal action?—A. I do not know whether the civil suit embraced him or not, but it was brought against all the parties. I could not be positive unless I had the papers here. There was a civil suit brought to recover damages and losses against some of the parties who were indicted along with him for the same offense, and they all pleaded guilty. Some of them paid and some of them did not. I think there are some of them that did not pay. Most of them agreed to pay something for the value of the goods that had been burned and pleaded guilty to having broken into the house, and to taking the goods and to destroying them.

By Mr. MONEY:

Q. Is this not true, that there was an agreement that these men should come up and confess judgment for this amount upon condition that the indictments would be withdrawn, and they were withdrawn?—A. No, sir; it is not true that they were withdrawn. The condition was this—I was not there at the time that the arrangement was entered into, but Judge Revis from Alabama——

Q. All I want to know is the fact whether it is or is not true that indictments were withdrawn on the criminal charge upon the terms that these men would come up and confess judgment?—A. That was not my understanding. The understanding with me was that they should plead guilty to the charges.

Q. To the criminal charges?—A. Yes, sir; to the criminal charges.

Q. Do you know the signature of W. W. Chisolm? Are you familiar with his handwriting?—A. I do not know that I would know his signature. I am pretty tolerably familiar with his handwriting, and I think I would know a letter written by him.

Q. Would you know his signature to a document?—A. I might have some idea, but I could not be positive.

Q. I wish you would look at that paper and see whether that is Judge Chisolm's signature or not. [Handing paper to witness.]—A. [Examining.] I do not know whether that is his signature or not. It seems to be in pencil. The writing above there is not his writing. I could tell by several lines.

Q. It purports to be a copy of an instrument he wrote. Is that his signature to it?—A. I do not know whether that is his signature or not.

Q. It is not important. I wanted to know if you recognized his handwriting?—A. I have had a great many notes and letters from him, but I do not know that I particularly noticed his signature. I think I would know his handwriting, though.

Mr. PEASE. Do you desire to put the paper in evidence?

Mr. MONEY. No, sir.

GEORGE L. WELSH sworn and examined.

By Mr. MONEY:

Question. Are you a citizen of Kemper County, Mississippi?—Answer. Yes, sir.

Q. In politics you are a democrat, are you?—A. Yes, sir.

Q. How long have you been in Kemper County?—A. I have been there since I was a few years old. I was very small when my parents moved there.

Q. Have you held any public office in that county?—A. Yes, sir,

Q. What office?—A. I held the office of clerk of the probate court there a number of years.

Q. Before or since the war?—A. Before and during and a little after the close of the war.

Q. Were you there during the whole campaign of 1875 and 1876?—A. Yes, sir.

Q. Have you read the statements made in the Boutwell report by Mr. Ellis and Mr. Stewart?—A. Yes, sir; I have read them since I have been here.

Q. Have you anything material in addition to their statements that you desire to state?—A. I do not think I could add anything to the statements of Ellis and Stewart in reference to the election at my box. Of course I do not know anything about the election at the other boxes. I believe their statement is substantially correct.

Q. Now tell us as succinctly as possible about the campaign of 1876, as to the manner of making the canvass by both parties, the organization of both parties, and whether there were any threats, intimidation, violence, or anything of that kind?—A. I do not know of any violence or intimidation on our part, and I do not know of any on the part of the other party.

Q. Did both sides organize clubs?—A. Our party was organized, and it was understood that the other party was. Of course I cannot speak knowingly of that.

Q. Was there a pretty full vote polled at the last election in your county?—A. I do not remember the aggregate vote.

Q. You do not know how it compared with previous elections?—A. I do not know. I could not state certainly.

Q. You know something of a publication made in the newspapers in that district preferring certain charges against Mr. Chisolm, the republican candidate for Congress, and also the publication made by him in answer. You then wrote a letter to the Clarion, as I understand. Is that it? [Handing a paper to the witness.]—A. In answer to a letter from you?

Q. Yes; in answer to a letter from me. I hand you the paper.—A. [Examining.] I wrote a letter to the Clarion in answer to a letter that I received from you, as you see from the quotation-marks there in the letter.

Q. I want to know if that is the letter you wrote?—A. This was written after I received your letter, and before I had seen the letter which was published with Chisolm's name to it.

Q. Do you say upon oath that the statements you make in that letter are true?—A. Well, sir, I think they are substantially true, all of them. I do not remember anything I state here that is not correct. It will take me some little time to read this over. I intended to write a truthful letter when I wrote it. Of course, I had no other motive in view. It was read over carefully at the time.

Q. You can take time to read it if you choose. I want to submit it as part of this record. Look over it, and say, with any explanation you desire to make, whether you are willing to submit that as a part of your testimony under oath; or, if you prefer, I will ask you the questions direct.—A. Very good, sir; any way you please.

Q. Are you willing to put that letter in evidence as the truth, to the best of your knowledge and belief?—A. Yes, sir, of course; in that way, I am.

Mr. MONEY. I offer it in evidence. It is from the Daily Clarion, of Tuesday, October 31, 1876, and reads as follows:

LETTER FROM GEO. L. WELSH, ESQ.—THE CASE OF CHISOLM.

DeKalb, Miss., *Oct.* 28, 1876.

Editors Clarion: I learn, through a private letter just received from Colonel Money, that the leading republicans in the upper portion of our district regard the charges against W. W. Chisolm, candidate for Congress, recently published in the Clarion, as "newspaper campaign documents, and untrue."

Well, some persons "will believe a lie that they might be damned." I learn also from the same source that "Chisolm denies everything, and assures them he is slandered." I expected he would deny it in all parts of the district, where he and the facts connected with the transaction are unknown to the people; but then the idea of his being slandered! It is not at all necessary to use slander against him in connection with this matter. The truth is more powerful and effective, and altogether sufficient, and more to be dreaded by him. I reiterate and re-assert unqualifiedly, without evasion or mental reservation, all that I have heretofore said to Chisolm face to face in the town of DeKalb, and in and before Center Ridge Lodge on the occasion of his trial before said lodge, on the charge, and under oath, before the grand jury of my county, that it was and is a base, willful, and corrupt forgery of the name of Perry Moore, and any assertion by Chisolm or any other man to the contrary is a lie, and I will publicly denounce the assertion as such, if publicly made.

At the time I arrested such papers in the hands of W. W. Chisolm, in the early part of April, 1867, I charged upon him that it was a forgery, and he promptly and frankly admitted the truth of the charge. I charged upon him that old man Perry Moore was dead and buried long before the papers were fixed up, and he as promptly and frankly admitted the truth of this charge. I charged upon him that the paper, though bearing date February 2, 1867, was only a few days old at the time I arrested it, and that he had dated it inside the old man's life-time, to "kiver accidents," as the saying goes, and this charge he as promptly and candidly admitted.

The old man Perry Moore departed this life about the 8th day of February, 1867, as shown by a petition, under oath, filed in our probate court by his son, Jordan Moore, for letters of administration upon his estate, and of course any man with only one idea in his head can see that it was necessary that the affidavit purporting to have been made by him should bear date inside the old man's life-time; that is, "February 2, 1867." I made this charge as to the age of the paper, from the general appearance of the paper and writing, all looking fresh and new.

The paper purporting to be the affidavit of Perry Moore, except the words "Perry Moore" at the bottom, purporting and alleged to be the signature of the affiant, was wholly written by W. W. Chisolm, from beginning to end, and is certified and attested by him, in his official capacity as probate judge of said county, in his own genuine handwriting and with his own genuine signature.

I saw this paper (a true copy of which is published in the Clarion) for the first time in the hands of Chisolm, in the early part of April, 1867, and recognized the forgery and demanded the surrender of it to me, and Chisolm answered the demand by surrendering it. Shortly afterward I demanded his resignation—he was then judge and I was clerk of the probate court—and he complied with this demand by resigning. His resignation, a copy of which is published in the Clarion, is wholly written and subscribed by him, with his own fist. By way of parenthesis, the probate judgeship was then a nice little salaried office, $900 per annum, with the privilege, and no labor, mental or physical, a perfect sinecure. If all was legal and lovely and pure in this transaction, why hand back to the dear people this nice little fat place, then so essential to personal ease and comfort? Echo answers, why? Perhaps he gave it back to the people for the people's good, as some people forsake their country for their country's good.

He was afterward tried of this charge by Center Ridge Lodge, convicted, expelled, and published to the world, as the publication in the Clarion, which is a true copy of the original, states. At this trial, Mr. Gathright, then grand master of Masons in this State, presided. Col. H. C. Robinson, then grand lecturer for the State, was present. Capt. James Watts, then senior warden of the grand lodge, appeared and acted as counsel for the accused. After mentioning the names of these high Masonic officials, it is needless for me to say it was a fair and impartial trial, and no Mason in the State can or will say it was otherwise, for in the presence and under the supervision of Mr. Gathright every transaction must be fair and impartial and pure, or he will very promptly make it so. He now stands an expelled and published Mason, and every Mason in this section of the country knows it, anything he or any person may say to the contrary notwithstanding. In the proceedings of the grand lodge for 1868, published in January, 1869, may be found this entry:

Re-instated—W. W. Chisolm.

Immediately under this entry you find:

Expelled—W. W. Chisolm.

This record of the grand lodge is susceptible of explanation in this way:

Chisolm was suspended previous to this time for non-payment of lodge dues; he was afterward, and before the trial for unmasonic conduct, re-instated from the sentence of suspension by payment of lodge dues, I suppose, and then arraigned, and tried, and expelled

on account of his connection with the forged papers, and so stands to this day, and, as I believe, he ever will. Every Mason ought to understand this little weak dodge, which is being made, or attempted, as I learn, to show that he has been re-instated by his lodge.

Jordon Moore, a son, and Addison Ward, a son-in-law of Perry Moore, and who, it must be admitted, were and are familiar with the signature of Perry Moore, on examination and inspection of the paper before the grand jury of this county, and after having placed their hands respectively on the Holy Scripture, and thus calling upon their Maker, whom I know they revere, to witness the truth or falsity of their statements, said, under the sanctity of that oath and in the presence and hearing of said grand jurors, that the paper alluded to, purporting to be the affidavit of Perry Moore, was a base and corrupt forgery of the name of Perry Moore, and I, under oath, before the same grand jury, and a subsequent one, which presented the bills of indictment alluded to, swore to the same, unqualifiedly and unreservedly.

They and I then stated, and now state, that the statements in the face of the papers, from beginning to end, were and are a tissue of unmitigated falsehoods, that is, that Perry Moore never personally appeared before Chisolm, at the time and for the purpose therein stated; that he was not in the county of Lauderdale at the time stated, but, on the contrary, was at home; that he never saw Sherman's army, and never saw 184 bags of cotton burned as stated, and if he had been there, and had seen the burning he would not have inquired about the ownership of the cotton under such peculiar and exciting circumstances.

What more is necessary to be said in reference to this matter? If the people do not believe what has already been said, they would not believe though one "Perry Moore should rise from the dead." If I have failed to say anything in connection with this matter that would be beneficial to the cause of reform, or that would operate against corruptionists in or applying for official position, attribute it to an oversight consequent upon the great haste in which this has been written, and just consider it said.

As I am not extensively known in this district, I take the liberty, without consultation, to refer to Hon. James S. Hamm, Hon. Robert Leachman, Capt. S. H. Woods, district attorney, Meridian; Hon. H. W. Foote, senator from Noxubee; H. L. Jarnagin, representative from Noxubee; Hon. W. R. Bassett, representative from Neshoba; Hon. L. B. Bell, representative from Kemper; Hon. H. J. Gully, former representative, Kemper, but now of Winston County; Capt. James Watts, Kemper; Col. J. L. Power, of Jackson, and to any other of my acquaintances in the district, and last, but not least, my special friend, President Gathright, of Bryan, Texas.

If Chisolm had remained in private life, none of these publications would have been necessary; but as he has set up the target, the people will shoot.

Respectfully and hurriedly,

GEO. L. WELSH.

Q. (By Mr. MONEY.) Were you present at that trial of the lodge referred to in the paper just put in evidence?—A. Yes, sir, I was there.

Q. Who presided at that trial?—A. Mr. Gathright.

Q. What office did he hold?—A. He was the grand master of the Masons in the State.

Q. Who prosecuted?—A. I think Mr. Bell was asked to represent the lodge.

Q. Who represented the defense?—A. Captain James Watts.

Q. What office did he hold in the fraternity?—A. He was senior warden of the grand lodge.

Q. And Gathright was master of the grand lodge?—A. Yes, sir.

Q. Chisolm was charged with gross unmasonic conduct?—A. That was the general charge. I do not recollect the specifications, but it was on account of his connection with this Perry Moore paper. I was summoned by the lodge.

Q. Did you go before the grand jury that found the indictment?—A. Yes, sir.

Q. You were summoned to go before the grand jury?—A. I was summoned there; I never went voluntarily but once, and I did that as a matter of duty as a public officer.

Q. You swore then that the signature of "Perry Moore" to that paper was a forgery?—A. Yes, sir.

Q. Was the paper before the grand jury?—A. They had it.

Q. Did they compare it with genuine signatures of Perry Moore?—A. Yes, sir, they did.

Q. Had they both papers?—A. Yes, sir.

Q. What sort of paper was that signature to? Was it the paper as set forth in that pamphlet offered in evidence to-day representing a claim against the Government for 184 bales of cotton?—A. That was the original paper which was before the grand jury.

Q. And you say that the son and son-in-law of Perry Moore went before the grand jury and gave evidence as to the signature?—A. I suppose they did. I was not in the grand-jury room when they were there, as a matter of course.

Q. Do you know what became of this claim against the Government for that cotton?—A. I do not know.

Q. Did you ever hear of its being pressed before any Department in Washington, or before Congress?—A. No, sir, I never did.

Q. To the best of your knowledge, do you believe it was dropped after this exposure?—A. It was dropped, so far as I know.

Q. When the paper was surrendered to you, did you keep it in your possession?—A. Yes, sir, and I have it yet.

Q. It never was withdrawn for presentation to any Department of the Government or to Congress, as far as you know?—A. I have the same paper yet.

Q. Did you have any conversation with Judge Chisolm about this matter?—A. I did.

Q. What did he say about this claim for 184 bales of cotton?—A. He admitted to me that it was not the signature of Perry Moore.

Q. What did he say about the claim itself; the genuineness of the claim for 184 bales of cotton?—A. I do not remember that he spoke of it being a genuine claim or not; but he remarked that we had been deprived of our property, and so on, and that he thought we ought to have some compensation, or some remarks of that sort.

Q. In other words, he thought it was not much harm to swindle the Government?—A. That was the impression made on my mind by the conversation; and that was an interview not of my seeking at all.

Q. Did you ever cause to be paid to Judge Chisolm any sum of money whatever for his resignation as probate judge?—A. Not a cent, sir.

Q. Did you move any person to that?—A. I never said a word to any person on earth about such a thing. I was not able to pay anything.

Q. What became of the indictments?—A. I cannot answer that of my own knowledge; I never saw the indictments.

Q. You never saw them?—A. No, sir. I was not connected with that office; I was probate clerk.

Q. Was it not matter of general knowledge that indictments were found?—A. Judge Foote told me so, and he was the presiding judge at that time.

Q. Judge Foote's certificate that the indictment was found is in that paper submitted to-day, is it not?—A. I saw it in the pamphlet copy.

Q. The one submitted in evidence to-day?—A. I took that to be the copy.

Q. I believe he says in that what disposition was made of the indictment?—A. I read the certificate at the time, but I do not now remember it.

Q. Did you ever hear of these indictments being stolen from the clerk's office—all the indictments found at that term of the court?—A. They were missing.

Q. They were abstracted?—A I understood all the indictments found at that term were misplaced, or missing, or whatever you may term it. That was my understanding.

Q. Do you know of anybody in Kemper County that discharged negroes on account of voting the republican ticket, or who made such threats?—A. I do not remember now. I heard some such talk as that. I heard our people say they could not afford to feed them, run them, and help them along.

Q. The complaint was, that they were taking part with a party that was cursing the country with taxation and so on, as they could not encourage them in that course and in idleness. Was that it?—A. That was the general talk, but I could not say that I remember one case.

Q. As far as you know, the election of 1876 was a fair, peaceable, and honest election?—A. As far as I saw, it was properly conducted, as I conceive. There was some warmth in the canvass, of course, as there always is; some zeal on both sides, trying to succeed.

Q. I am speaking of election-day.—A. I assisted in conducting election at my box, and I saw nothing wrong that I remember now. Our people talked to the freedmen a good deal, as far as I saw and understood, inducing them to vote the democratic ticket, and trying to make them believe it was their interest, and the interest of the country, for them to vote the democratic ticket.

Q. It is testified by Captain Gilmer that you went up to Shuqualak and Macon to a public discussion in which Judge Chisolm took part.—A. Yes, sir. I went to Shuqualak, and also went to Macon the next day.

Q. Accompanied by your friends?—A. A few friends went with me to Shuqualak.

Q. Did you carry arms?—A. I never had a pistol on my person in my life, and have not one now.

Q. What is the habit of the people generally about that?—A. A good many men carry pistols down there.

Q. Does Judge Chisolm generally carry one?—A. That is so stated. I never examined his person to see.

Q. Is it the custom, as a general thing, to carry arms?—A. Yes, sir; a good many persons carry arms.

Q. What was your object in going to Shuqualak and Macon?—A. I saw Chisolm's letter denouncing me as a liar, a scoundrel, and poltroon, and other epithets, and I concluded I would go up there and see about it. I understood also, from your letter, that he was denouncing all that I said out in another part of the district, and a long way from home, and I thought I would look into it a little.

Q. It was then a personal matter that moved you and your friends to attend this meeting?—A. Yes, sir; entirely. I went up there. Jordan Moore was there also, but not by my procurement, at Shuqualak. He did go with me to Macon the next day.

Q. Were you present at the discussion at Macon?—A. I was not until Younger spoke.

Q. Did Younger call you and Perry Moore on the stand and ask you whether this signature was a forgery or not?—A. Younger did not. I took the stand without being asked to do so, and called up Jordan Moore myself, and he stated it was a forgery in the presence of everybody, and also stated that he had sworn to the forgery before the grand jury of Kemper County more than once, and that his brother-in-law had done the same thing. That is about the statement that Jordan Moore made. In addition to that he said, "Gentlemen, the statements on the face of that paper are all false. My father never saw Sherman's army and never saw the cotton burned as stated in that paper. The old man was at home and was quite unwell at that time." I expect there are gentle-

men here present who heard the same statement that I did. That is substantially what Jordan Moore said.

Q. Do you know of an attempted assassination of Mr. John Gully?—A. Mr. Gully came in town one evening and said he was shot, and I saw the holes.

Q. Did he make any declaration as to who did it?—A. Not in my hearing. As soon as I heard of it I went to the store where he was.

Q. Is he chairman of the democratic county committee?—A. Yes, sir.

Q. An active partisan?—A. Yes, sir; he is an active partisan.

By Mr. PEASE:

Q. You stated that there was no intimidation to your knowledge practiced during the election of 1876, in your county?—A. I speak of election day.

Q. During the canvass was there to your knowledge any disturbance, violence, or intimidation practiced by anybody toward voters of either party?—A. There was a procession in every town on the Saturday prior to the election, a sort of jollification and marching around.

Q. A republican or democratic procession?—A. A democratic. I saw a few colored men join in it.

Q. How many were there in the procession?—A. I cannot say.

Q. About how many?—A. I suppose there were over two hundred.

Q. This was on Saturday preceding the election?—A. Yes, sir.

Q. Were the men in the procession uniformed in any way?—A. Some of them may have had on what we call red jackets.

Q. Were they armed?—A. I did not see any arms. I was not in the procession myself. I understood there were some pistols fired and perhaps guns fired during the procession, but I was about the court-house all day that day.

Q. Did you hear a report of guns or pistols?—A. I heard the reports of pistols, and I think guns, but cannot say; and in fact I did not see anybody shoot that day, to my recollection now.

Q. You did not see anybody shoot?—A. I do not remember I saw anybody fire a gun or pistol that day.

Q. But you heard the reports?—A. I did.

Q. Did you make a canvass of the county in 1876?—A. No, sir; I am not a canvasser. I am engaged in business, riding over the county, and occasionally drop in where there is a meeting. I remember twice only, now, to my recollection, that I dropped in.

Q. Do you know of any violence or intimidation practiced in your county in 1875?—A. I do not remember about 1875. I was a private individual then. I do not know. I remember on election-day it was peaceable and quiet.

Q. But preceding the election, how was it?—A. I remember receiving a note on Sunday evening, just about dark, from Mr. Duke, a member of the executive committee.

Q. The democratic executive committee?—A. Yes, sir.

Q. What was the purport of the note?—A. He stated, in substance, that he was apprehensive that the colored people were going to assemble in the town of Scooba next day in large numbers; that they would have arms, and he was fearful that there would be a disturbance of some sort, and asked us if we could aid him in anyway for defense.

Q. Did you act upon the request made by him?—A. Yes sir; we did.

Q. What did you do?—A. Several of us met immediately. We had a consultation as to what was best to do. My advice was to send two messengers down to Scooba that night to ascertain the true state of

affairs, and request them to stay there the next morning until they did learn whether there was any danger or not, so that when they came back they would be prepared to state the facts; and we started several of the young men around the country with a request to notify the citizens to come to De Kalb the next morning as early as they could, prepared to go to Scooba.

Q. When was that?—A. On the Sunday night prior to the election.

Q. Of 1875?—A. One thousand eight hundred and seventy-five; and, accordingly, on Monday morning there was a good crowd assembled in the town of De Kalb.

Q. Did the parties you sent over to inquire as to the truthfulness of the representations that had been made, return?—A. They returned.

Q. What report did they bring?—A. They reported that there had been some fears, but they believed there was now no danger.

Q. Did the parties, who assembled at De Kalb upon the notice that was sent out, then go over to Scooba?—A. They did not go. There may have been a few persons that went to Scooba, but this crowd did not go. They remained in De Kalb that evening and Monday night, and staid there next day and voted. There were not many persons from outside of our voting precinct.

Q. How many came to De Kalb on that occasion?—A. I expect 150, or more than that.

Q. Were they armed?—A. They brought arms with a view of going to Scooba, if necessary; that was all as far as I understood it.

Q. You have always lived in the South?—A. Yes, sir.

Q. Were you born and raised there?—A. Yes, sir.

Q. You are very well acquainted with these characteristics of the negro, are you not?—A. Tolerably well, I reckon.

Q. Did you ever know, during your residence in De Kalb County, or in Mississippi, of the negroes making a raid upon any town or village with violence intent; any attempt to commit arson or anything of that sort?—A. Well, sir; I saw a good many such things published in the newspapers.

Q. I ask you whether you ever knew, of your knowledge, of any such things?—A. I do not believe I do.

Q. Is not the negro naturally very tractable and docile, and not disposed to commit outrages upon white people?—Is not that a fact?—A. I do not know hardly how to answer that.

Q. Is it not the fact that they were kept under such rigid surveillance while in slavery that it had a tendency to make them very tractable?—A. Well, sir, a great many of them are very good people.

Q. Did you ever know of an instance of a negro making an attack—or any number of them—upon a white man in your county?—A. I do not remember now.

Q. Did you believe at the time this report was brought into De Kalb that the negroes were assembled at Scooba with a view to commit violence there?—A. I felt constrained to pay some little attention to Mr. Duke's note.

Q. Who was Mr. Duke; a citizen of Scooba?—A. Yes, sir.

Q. A democrat?—A. Yes, sir; a member of the democratic executive committee.

Q. It turned out then that there was no truth in the apprehensions Mr. Duke expressed in his note to you; upon examination it was found that there was no truth whatever in them?—A. We learned next day that there was no cause for us going down.

Q. Did you know at any time of persons coming from the State of

Alabama into the county of Kemper? and, if so, state the time and place.—A. No, sir; I do not think I know of any Alabamian coming into our county of my own personal knowlege.

Q. Did you ever hear of any?—A. I have heard that some Alabamians came over to Scooba. That is all hearsay with me.

Q. Was it not a matter of public notoriety and generally believed?—A. I heard it spoken of often, and have no doubt it was so.

Q. Did you know what was their purpose in coming to Scooba?—A. I really always considered it a personal feeling against Mr. Gilmer; that was the way I looked at it. I perhaps do not take a proper view of it. It seemed to have more of a personal character.

Q. That is simply your opinion?—A. Yes, sir; that is my opinion.

Q. About what time was it you heard that these bodies of men came from Alabama?—A. I think it was about the time of the election in 1875.

Q. Mr. Gilmer had lived in the county some time prior to the election, had he not?—A. Yes, sir; he was living there a few years. I could not say how long.

Q. These personal difficulties that you speak of had been in existence for some months before that, had they not?—A. Yes, sir; I think Dawson had been dead three years before that, according to my recollection, prior to the election in 1875.

Q. If these parties from Alabama came there in the interest of parties who were inimical to Mr. Gilmer, how does it appear to you; and did you ever know the reason why they came there just before the election?—A. No, sir; I do not know the reason.

Q. Do you not think it is rather a singular coincidence that if they had any personal grievance to redress they should take occasion to do it just before the election?—A. I cannot say about that.

Q. It is a fact that they came, is it not?—A. That is what I heard. I never saw one of them in the county.

Q. Did you ever live in Alabama?—A. Yes, sir; when I was sixteen or seventeen years old. I think I lived in Alabama, perhaps, twelve months. I was born in Alabama and was a few months old when I left that State.

Q. You stated in your examination in chief that Jordan Moore stated that the affidavit purporting to be the affidavit of Perry Moore was false, and that he had also sworn to that before the grand jury. Who was he?—A. A son of an old gentleman who had lived in the county named Perry Moore.

Q. Was Perry Moore the man that made the original false affidavit?—A. He did not make the affidavit.

Q. He is the party whose name is on it?—A. He is the person alluded to whose name is signed to the paper.

Q. Do you know Mr. Moore?—A. The old man?

Q. Yes, sir.—A. O, yes; I knew him well. I knew him a number of years.

Q. You stated, I think, that you held the office of probate clerk. Were you holding this office at the time it is alleged this false affidavit was made by Judge Chisolm?—A. In 1867; yes, sir. I was holding the office at that time.

Q. After the death of Mr. Perry Moore do you know who was appointed as his administrator?—A. I think his son, Jordan Moore, was.

Q. You would have been very apt to know, as you were the recording officer in the probate court?—A. That is my recollection. I am not sure about it now. It has passed several years.

Q. At what date was this false affidavit to which you refer made?—A. I think it bears date in February, 1867.

Q. What day of the month of February; do you remember?—A. It strikes me about the second day. It is some time since I saw it. The pamphlet copy that you have would refresh my memory about these things.

Q. Is it not a matter of record that Mr. Jordan Moore, the son, was appointed administrator of his father's estate, and that he is so recorded in the records of Kemper County, and that those records show that Mr. Moore died some six days subsequent to the 2d of February, 1867?—A. My recollection is—and I speak now only from recollection about the statements in the petition filed by Jordan Moore, for I looked at the petition when I wrote this letter of mine in the Clarion—that he states that the old man died about the 8th day of February, and of course the 2d is inside the old man's life-time. I think he states in the petition that the old man died on or about the 8th day of February of that year.

Q. You say you think the petition sets forth the fact that he died some eight days subsequent to the 2d of February. That would have made it about the 10th of February?—A. No, sir; I did not say eight days. I said on or about the 8th day of the month. That is my recollection now.

Q. Did you not, some time during the canvass, in a letter arraigning Judge Chisolm, state, under oath, that at the time this affidavit purporting to have been made before Judge Chisolm was made, Mr. Perry Moore was dead, and that was one of the reasons you assigned for the falsity of that affidavit?—A. I do not think I made any statement of that sort under oath.

Q. Did you not make an affidavit, and was not that affidavit published?—A. I do not think so.

Mr. MONEY. That was a memorandum.

Q. (By Mr. PEASE.) I am asking whether or not you did not make an affidavit, and whether or not that affidavit was published, that at the time this Perry Moore affidavit was made Perry Moore was dead?—A. I think I state that in my letter.

Q. You state that in your letter?—A. Yes, sir.

Q. Did you not know it was false when you stated it?—A. I did not.

Q. You say you were probate clerk at that time?—A. I explain that in my letter.

Q. Answer my question. Were you probate clerk at that time?—A. I was.

Q. It was your duty to record these letters of administration?—A. Yes, sir.

Q. You would have been apt to have known, when making so grave a charge as that against one of your fellow-citizens, the date when this false affidavit was made, which you charge Judge Chisolm with having taken, and I ask you now, whether or not, at the time when you made this affidavit, you did not know that Mr. Perry Moore was not dead, and did not die, according to the records of your own court, until some six days subsequent to it?—A. I explain that in my letter, that, although it was dated inside of the old man's life-time——

Q. I would like to have you answer my question directly.—A. In addition to that, if you will allow me to just make a statement in connection with it, I desire to say that Chisolm acknowledged to me that the old man was dead at the time the paper was fixed up.

Q. When did he acknowledge this to you?—A. In a conversation a

few days after I had the paper in my possession. I will state that emphatically.

Q. Then you made the affidavit, did you, upon what Mr. Chisolm said to you?—A. I do not think you will find that in my affidavit that the old man was dead. I do not remember that. I think I stated that in my letter, that it was dated back inside the old man's life-time. That is my recollection.

Q. Did you cause the publication of this document here? [Exhibiting.]—A. [Examining.] This pamphlet was published by the executive committee of Noxubee County, as I understood. It is a copy, however, of some papers that I furnished, that were published in the Clarion. I suppose Colonel Money had them published in the Clarion.

Mr. MONEY. I sent the papers to the Clarion and had them published myself. I got them at the court-house at DeKalb.

Q. (By Mr. PEASE.) In this pamphlet, submitted to-day in evidence, relating to the character of Judge Chisolm, I find here the words headed in capital letters, "Perry Moore was dead when this affidavit was made." That was not true, was it?—A. [Examining.] I did not put that heading there.

Q. I ask whether or not it was true that Perry Moore was dead at the time that affidavit was made?—A. Chisolm admitted to me that he was. I am going upon that entirely. I did not put that heading there.

Q. You were probate clerk at that time?—A. In 1867; yes, sir.

Q. Did you not know that Mr. Perry Moore was not dead, even if Chisolm did tell you so?—A. The old man was reported dead before that.

Q. I am asking you whether, as probate clerk, recording letters of administration, you did know that Perry Moore died six days subsequent to the time that that affidavit, false or true, was made? You furnished the affidavits in this pamphlet, did you not?—A. Yes, sir; commencing on the fourth page.

Q. You furnished this information as copies of the records of your court, as I understand?—A. No, sir; not intended as copies of the record of my court at all, but a copy of the affidavit that I had in my possession, purporting to be an affidavit made by Perry Moore on the 2d of February, 1867.

Q. How came you in possession of this affidavit?—A. Chisolm gave it to me.

Q. I ask when you came in possession of this affidavit, did you not know that Perry Moore died some six days subsequent to the 2d of February?—A. I came in possession of that original paper in April, according to my recollection; and in conversation with Chisolm a few days afterwards, an interview of his own seeking, I made the charge upon him, that, although this paper is dated inside the old man's life-time——

Q. I want you to answer my question directly whether, at the time Judge Chisolm told you that Perry Moore was dead, and at the time you furnished this affidavit to the democratic central committee at Jackson, which committee circulated it with head-lines, "Perry Moore was dead when this affidavit was made," you did not know that Perry Moore did not die until six days subsequent to the time that affidavit purported to be made?—A. I have no knowledge.

Q. I ask you to answer the question. You must have known something of the circumstances. You recorded the petition for letters of administration, and you must have known the dates.—A. I will have to explain that a little, because my recollection is that the petition was

not acted on in our court until August, and the petition states that the old man died, I think, on or about the 8th day of February, 1867.

Q. Did you not know that as a fact, and as a matter of record?—A. That is the record, as stated by his son under oath. I think he stated in his petition that his father died on or about the 8th of February; but at the time of this conversation between Chisolm and myself, my recollection is, that petition had not been filed in our court to be acted on. My impression is that it was filed at the August term. This conversation, in which he admitted that the old man was dead at the time the papers were fixed up, occurred between me and him in April.

Q. April of what year?—A. That year, 1867, I think. I have been out of office there a good while, and these things have gone out of my recollection. If I had expected, when I left home, to be questioned about this matter of dates, I could have prepared myself.

Q. They were not out of your recollection when you furnished this affidavit to those facts affecting the character of Judge Chisolm?—A. When I furnished these papers about Judge Chisolm, I just furnished copies of papers, and certified "that the foregoing is a true copy of the original papers, and that the name subscribed thereto, purporting to be the genuine signature of Perry Moore, is a base forgery, and so admitted to me by W. W. Chisolm at the time I arrested said papers in his hands. Said Chisolm was at that time judge of the probate court of Kemper County, and I was clerk of the said court."

That is just simply a certificate by me that the foregoing is a true copy of the original. Then follow the statement of Thomas H. Woods, who was district attorney at the time; the statement of Judge Foote about the indictment, and this affidavit of two members of the grand jury, James Haughey and W. B. Lockett, that Chisolm was indicted. These are simply copies. I made no affidavit in this paper at all.

Q. When did you first furnish copies of these papers, affidavits, &c., for publication?—A. I furnished Captain Woods a copy, I think, about 1870.

Q. Who was Captain Woods?—A. District attorney in our district.

Q. In what year?—A. He has been district attorney there. There is a certificate there from him.

Q. I want to get at the time these copies of this false affidavit and other papers were first furnished by you for publication?—A. If you will let me look at that pamphlet it will refresh my memory. I think there is a certificate in there signed by me with, perhaps, the proper date.

Q. Here it is. [Handing a paper to the witness.]—A. [Examining.] It is dated June 7, 1870, with my name to it. That is about the time I furnished it, I reckon. It is passed several years ago. Let me read over the statement I made, as it will refresh my memory. [Examining the paper.] I reckon that is about the right date.

Q. You furnished it then for publication in 1870?—A. I furnished it to Captain Woods to be used. Chisolm, as we understood then, was a candidate for chancellor before Governor Alcorn, and a good many persons wished to defeat him. Captain Woods, and a great number of citizens of the county, said that he ought to be defeated on account of his connection with this false paper, and made the best effort they could, I suppose, to do so. Knowing that I had the original paper in my possession, and was in possession of some facts in connection with it, as a matter of course they called on me to get all the information they could.

Q. You made a certificate to this effect in 1870 to Woods?—A. It is

dated 1870, and I expect that is the right date; I cannot say now; it is seven years ago.

Q. You made a certificate to the district attorney?—A. I gave him that paper.

Q. What was your object in 1870, when you made this certificate, in giving it?—A. I wanted to see him defeated for chanceller myself, acting in connection with the other people.

Q. Had you any other object?—A. I do not remember any now.

Q. You wanted to defeat him in his appointment for chanceller before Governor Alcorn?—A. Yes, sir; I think Alcorn was governor. I see 1870 there, and I take it that is the right date.

Q. Is that your certificate? [Exhibiting.]—A. These three words at the top, "The fraud acknowledged," I did not put in.

Q. I will read it:

I certify that the foregoing—

Relating to this affidavit which is recited above—

is a true copy of the original papers, and that the name subscribed thereto, purporting to be the genuine signature of Perry Moore, is a base forgery, and so admitted to me by W. W. Chisolm, at the time I arrested said papers in his hands. Said Chisolm was at that time judge of the probate court of Kemper County, and I was clerk of said court.

GEO. L. WELSH.

You made that certificate in 1870, you say, to be presented to Governor Alcorn, to defeat the appointment of Judge Chisolm for the office of chancellor?—A. Yes, sir.

Q. This bears date "De Kalb, Miss., Sept. 30, 1867." I will ask you if B. J. Humphries was not governor at that time?—A. That is a mistake in the print. This is the certificate that I gave when I furnished this paper last fall to Colonel Money. That ought to be 1876, last year, last fall.

Q. Then that is false?—A. That is not the proper date. I think that is a typographical error.

Q. It is 1867 here, is it not?—A. That is 1867, but I gave that certificate when I furnished that copy last fall. I think you will find the publication in the Clarion; you will see there, perhaps, a different date, 1876 instead of 1867.

Q. You explain this as being a typographical error—it was 1876 instead of 1867?—A. Yes, sir; I furnished it to Colonel Money last fall.

Q. Did you furnish a similar certificate to be presented to Governor Alcorn in 1870?—A. Here is the certificate that I furnished, [exhibiting.] This is a certificate with "June, 1870" to it, and I take it that is about the right date. I will not swear now positively that it is. I know Captain Woods called upon me to make a written statement, in short, about this thing, and I did so, and furnished it to him; and I take it that is about the right date—June, 1870.

Q. You state in the certificate, the date of which you have corrected here, that the affidavit, recited above on page 4, is "a base forgery." Do you mean to include in that statement that it is a forgery of all the words, and names, and dates, and everything pertaining to the affidavit?—A. The signature is a forgery. What does my certificate state?

Q. Your certificate states:

I certify that the foregoing is a true copy of the original papers, and that the name subscribed thereto, purporting to be the genuine signature of Perry Moore, is a base forgery, &c.

A. I say so now, under oath, that it not the signature of Perry Moore

to that original paper. The signature is all that I say, and I never have said anything else about the forgery, except the name "Perry Moore." I say that, I think, in the publication in the Clarion.

Q. I hold in my hand a letter purporting to have been written by you to the Clarion, October 28, 1876; and I ask you to glance over it and say whether you ever wrote that letter to the Clarion for publication?—A. Yes, sir; I wrote a letter to the Clarion, and it was published.

Q. Is that the letter? [Exhibiting.]—A. [Examining.] I think that is the letter I wrote to the Clarion.

Q. You admit that you sent this letter to the Clarion October 28, 1876?—A. I sent a letter to the Clarion.

Q. About what time?—A. About that date. It was published in the Clarion, and submitted here to-night, a letter that I have looked at and read.

Q. This appears in the Kemper Herald of November 1, 1876; that is a democratic paper, is it not?—A. Yes, sir.

Q. Have you read this letter?—A. Yes, sir; I have read it. It is copied from the Clarion, and I think it says so. It may be correct.

Q. In this letter purporting to be a copy of the letter that was submitted here this evening I find this language:

> The paper purporting to be the affidavit of Perry Moore, except the words "Perry Moore," at the bottom, purporting and alleged to be the signature of the affiant, was wholly written by W. W. Chisolm from beginning to end, and is certified and attested by him, in his official capacity as probate judge of said county, in his own genuine handwriting and with his own genuine signature.

In this letter you excepted the signature as not having been forged by Mr. Chisolm. Was that true or not?—A. I say that the whole paper is in his handwriting except those two words. I do not think Chisolm put the two words "Perry Moore" there. The balance of the paper with the exception of those two words is in his handwriting.

Q. Do you know who put them there?—A. I do not.

Q. And yet you have made an affidavit and published it to the world that W. W. Chisolm forged the name of Perry Moore, and now you state that you do not believe that Judge Chisolm wrote that name?—A. He did not put the two words "Perry Moore" there; but still I denounced it as a forgery.

Q. Then he is a forger?—A. As I understand our law he is, and that is the way I have been speaking of it. A person uttering and publishing to be true a paper known by him to be false I understand to be forgery, just as much as if he had put the signature there himself. That is the way I understand it; but perhaps I do not understand it correctly. That is the reason why I call it a forgery, and he the guilty party, because he was, of course, uttering and publishing it as true, knowing it to be false.

Q. What means have you of knowing that Judge Chisolm ever issued the paper with this forged certificate; that he issued it knowingly, I mean?—A. He certainly knew that it was not Perry Moore's signature, because he admitted it to me.

Q. I want you to answer directly the question I have just put to you.—A. Just from reading the face of the paper, it starts with:

> Before me, W. W. Chisolm, judge of probate in and for said county, personally came Perry Moore, to me well known, &c.

And it ends with—

> Sworn to and subscribed before me this the 2d day of February, A. D. 1867.

That certainly is uttering and publishing as true a paper in his own

handwriting that he knew to be false and attested by him in his official capacity.

Q. Do you know that he ever issued that paper?—A. He had it in his possession.

Q. He had it in his possession?—A. Yes, sir; and his own fist to it, and the paper was completed, and, of course, attested by him as probate judge. I do not know what more a man could do to make him guilty of forgery.

Q. You say that you went before the grand jury of your county on divers occasions to give testimony as to the issuance of this forged paper?—A. Yes, sir; I was before the grand jury, my recollection is, three times. The first time I went of my own accord as a matter of duty, being an officer, and considering this a violation of law.

Q. When was this?—A. I think the first time was the fall term, 1867, the second time was the spring term, 1868, and the third time the September term, 1868.

Q. Were indictments found before either of these grand juries?—A. I cannot say there were any found, except that I will state, by hearsay, that the two first grand juries failed to find indictments, as I understood; but the third grand jury did find an indictment.

Q. You understood; you do not know it of your own knowledge?—A. No, sir; I have so stated.

Q. Had either of the first two grand juries found indictments you would have been apt to know it, as you were at the court-house?—A. Yes, sir.

Q. And in the performance of your duty, if an indictment had been found against a prominent citizen like Mr. Chisolm, you would have been very apt to have known it owing to your official position?—A. Yes, sir, I think I would.

Q. I would like to ask what was the political complexion of that jury in 1867—democratic or republican?—A. I could not tell unless I had their names.

Q. There was not much of a republican party in Mississippi in 1867, was there?—A. I do not think there was. I think that is the year that we went under military rule under General Ord. That is my recollection; I think it was in that year.

Q. Who was the district attorney at that time?—A. I think Capt. Thomas H. Woods.

Q. What was his politics at that time, if he had any?—A. Captain Woods was an old-line whig; but at that time I do not know what he was. We had not formed in parties then.

Q. You do not know what his politics was then?—A. At that time we had not formed in parties.

Q. He was not a republican at that time?—A. No, sir.

Q. He has been a democrat since then?—A. Yes, sir; and claims to be a democrat now.

Q. I understand you to say that you gave testimony before two grand juries, one in 1867 and the other in 1868. Did I understand you aright?—A. Let me explain that. The first grand jury that assembled after I got this paper was in September, 1867. That is the time when I appeared voluntarily.

Q. Which one were you called before?—A. I was called in the March term, 1868, and I was summoned in the September term, 1868. I have been before three grand juries.

Q. And no indictments were found to your knowledge?—A. None to my knowledge.

Q. You have then given testimony before three grand juries composed of citizens of your county, and no indictment has been found against Judge Chisolm to your knowledge?—A. None to my certain knowledge; all I know about the indictments is hearsay. I never saw one of them and had no connection with that court.

Q. You went before this grand jury, and I will ask you whether or not that grand jury was not composed of men capable of weighing evidence, honest men who would regard with solemnity the oath they had taken as grand jurors. Were they not men of that class?—A. I do not remember now who they were. I think it was a pretty good grand jury.

Q. What was the date of the sitting of this third grand jury?—A. September, 1868. The first one in September, 1867.

Q. From your knowledge of the political history of Mississippi, I desire to know whether or not it was true that about September, 1868, the two political parties in Mississippi were in the process of organization, and did not party spirit at that time run very high?—A. Well, sir, I reckon they were forming by that time. I cannot say how high the spirit ran.

Q. Was it not a very excited canvass in 1868 by the democratic party to defeat what was known as the reconstructed constitution of that State?—A. I do not remember whether that was the year we voted on the constitution or not. I cannot say. I know there was a good deal of opposition to that constitution.

Q. What were the political sentiments of the grand jury that found the indictments? Were they all democrats?—A. If I had all their names I could tell you.

Q. Do you not know?—A. I know that Lockett and Haughey, the two whose names appear on that paper, were democrats.

Q. There were no republicans on that jury that you know?—A. I do not think there were any.

Q. You do not know what became of the indictment? it was never brought to trial?—A. It was not.

A. You heard that the indictments were lost or stolen, or something of that kind?—A. That was the talk.

Q. Who had the custody of the county records at that time?—A. I will have to state there what Judge Foote said to me. That is all I can tell you.

Q. I am asking the question who was the circuit clerk at that time?—A. At that term of court the circuit clerk went out with the court.

Q. Who succeeded him?—A. Chamberlain.

Q. What was his politics?—A. He claimed to be a democrat at that time.

Q. It was under his administration that they were lost, if they were lost?—A. He was the next circuit clerk, as my recollection is now.

Q. It was his duty, as circuit clerk, to have kept these indictments found before a grand jury?—A. Yes, sir; if he ever got hold of them, of course it was. I will state, if it is material and does not incumber your record too much——

Q. I am simply trying to get at the truth in the case; answer my question.—A. A gentleman by the name of Stafford, who was circuit clerk at that term of court, resigned, and Judge Foote appointed a clerk *pro tempore*, and his functions, of course, ceased at the close of the court.

Q. Was he a republican or a democrat?—A. Cazee was a democrat.

Q. The outgoing circuit clerk was a democrat; and what was his successor?—A. He was a democrat.

Q. If these indictments were lost then, they were lost during the administration of the outgoing or incoming clerk?—A. I do not know how they were lost.

Q. You do not know that an indictment was found at all?—A. No, sir; of course I had no connection with that court.

Q. What is your politics now and what was your politics at that time?—A. I have been a democrat all my life up to the present.

Q. You have been a very hearty partisan for the democratic party?—A. Well, I have been a strong democrat all the time, an uncompromising democrat, as far as that is concerned.

Q. I want to know whether you have made any statements of this character or in substance, that you would not speak to or shake hands with any man who affiliated with the republican party, even if he belonged to the fraternity of Masons. Did you ever make such a statement as that?—A. I will have to make a statement about that, of course. I talked to all the people of the county and shook hands with them.

Q. Answer the question directly, whether you ever made such a statement in substance?—A. I do not think I did just in that way.

Q. State in what way you did.—A. I spoke to all so far as I remember now, in my county up to the voting on this constitution, which proscribed a good many of us and cut us off from the right to vote, and I then refused to shake hands with some gentlemen who had been my friends and whom I had always spoken to before. I did do that.

Q. Are you positive that you made statements of this kind and carried them into execution in 1868?—A. I say after the voting on that constitution. I do not remember when that was voted upon.

Q. How long did you carry out that determination?—A. For a considerable time.

Q. It extended over a year or two, did it?—A. I reckon a year or more.

Q. Did you entertain these feelings about the time you went before the grand jury in 1868?—A. I do not remember when the constitution was voted upon.

Q. I am asking whether you entertained these feelings in 1868? That was the time it was voted on.—A. I do not think I refused to speak or shake hands at all until after the voting upon the constitution, which proscribed a good many of us.

Q. Is it not a matter of fact that that election was held in July or August, 1868?—A. I do not remember the time. I cannot state as to dates.

Q. Is it not a matter of history?—A. I suppose it is.

Q. Then you were entertaining these partisan feelings to an extent that you would not shake hands or tolerate in any way, socially or otherwise, any man who entertained republican principles?—A. No, sir; I did not state that. I only said I refused to shake hands with persons who voted for that constitution. I considered it an outrage.

Q. Judge Chisolm voted for that constitution, did he not?—A. I do not know whether he did or not.

Q. Did you not believe he did?—A. I think he did. I reckon he did.

Q. Are you a Mason?—A. Yes, sir.

Q. Did you refuse to shake hands with any one of the lodge to which you belonged?—A. I did on one occasion, after he had voted on that constitution, but that gentleman and I are friendly now. I felt aggrieved at that, of course.

Q. Who was this gentleman?—A. His name is Cheney.

Q. How long since you have become reconciled to him so as to shake hands with him?—A. I cannot say. We stood aloof for a few years, but gradually became reconciled to speak.

Q. Is it not a fact that since the time you have become reconciled to him this man has supported the democratic organization and voted the democratic ticket?—A. I do not know whether Cheney supported the democratic organization or not unless he did it in 1875. I understand he intended to do so in 1866, but I do not know whether he did or not.

Q. After he did that, you shook hands with him?—A. I did it before that. We only stood aloof two or three years, perhaps.

Q. You stated, I think, that you were probate clerk in 1867 and 1868, did you not?—A. Yes, sir; I was clerk in 1867, and I think it extended up to the early part of 1869, when I was required by the military to take the iron-clad oath or step down and out, and I chose the latter, and went to the corn-fields.

Q. I would like to have you state to the committee whether or not when you were performing the duties of probate clerk you issued county warrants to the amount of something over $2,000, without authority of the board of police of that county?—A. I did not, sir. I state that emphatically.

Q. Do you know anything about certain warrants being issued, amounting to something like $2,000, without authority of law or authority of the board of police, whose duty it was to order the issuance of such warrants?—A. No, sir; I never issued any without authority.

Q. Do you know a gentleman by the name of Poole in your county?—A. Yes, sir, I know him. He succeeded me, if it is the Poole you are alluding to.

Q. He was chancery clerk?—A. He came after me, not immediately, perhaps. His brother came after me and he succeeded next, I think.

Q. Will you state whether or not Mr. Poole did not call your attention to the issuance of some $2,000, more or less, of warrants that were never ordered to be issued by the board of police in that county?—A. No, sir; I do not think he ever did. I do not remember it.

Q. Do you know whether any such warrants were issued by anybody?—A. I never issued any.

Q. Do you know of their being issued?—A. No, sir.

Q. Did you hear anything said about it?—A. I heard something stated.

Q. What was stated?—A. There was one warrant that was contested for some reason or other, issued by me in favor of C. P. Cheney, superintendent of the poor-house of that county, for $180 or $190. That was in the hands Mr. Gully, as I understood.

Q. There was something said there about a warrant issued in favor of Mr. Cheney, and then in the hands of Mr. Gully?—A. Yes, sir.

Q. Did you issue that warrant?—A. I did, sir.

Q. On what authority?—A. By authority of the board of police, as we called it then. I never issued a warrant in my life without authority of law.

Q. Who called your attention to this warrant of $200, or whatever the amount was?—A. I understood the tax-collector refused to take it.

Q. Do you know he refused to take it?—A. I do not know why it was refused.

Q. What did you hear about it?—A. Mr. Gully told me that he just refused to take it; he would not take it.

Q. Did Mr. Gully give you any reason assigned by the sheriff for not

taking it?—A. Well, sir, I think he said that they could not find any authority for it there.

Q. I want to know whether or not there was any authority for it.—A. There was authority of law for it. I say that emphatically.

Q. It was matter of record, was it?—A. It was; for I went before the board of supervisors on a summons from them, and showed the record, and satisfied the board. Mr. Cheney was present, and I called on him, and he made about the same statement that I did, or corroborated my statement after I got through making it and exhibiting my books. Mr. Bethany, a member of the board, a staunch republican, said he was satisfied that it was all right, and every member said "yes."

Q. Were you the custodian of the records of the board of police at the time you were called before them?—A. No, sir; but I called for them, and exhibited them.

Q. Now, I want to know why it was that question was raised about this warrant. Had not the board of police or the sheriff opportunities to examine the records of that board without the necessity of calling in you, a former clerk, to explain anything about them?—A. Of course they were in possession of the books and records.

Q. Why did they wish you to explain it?—A. It seemed they could not find the record, and they had me summoned for that purpose.

Q. Who had the records in custody?—A. Mr. Poole was the clerk of that court.

Q. Is he a democrat?—A. No, sir; he is a republican, or was at that time.

Q. He had the custody of the records?—A. He had the custody of all records I left there.

Q. You are familiar with the records of that county, having occupied the position of probate clerk. I want to know whether there is any record to be found on the book kept by the board of police authorizing the issuance of that $200 warrant in favor of Mr. Cheney.—A. I suppose there is an order——

Q. I want to have you answer the question direct. You are familiar with the records, and I want to know whether or not there is any such record in the records of that court.—A. Commonly, in ordering warrants——

Q. I want a direct answer. It is a plain question.—A. I will have to explain.

Q. Answer yes or no. You went before that board of police, you say, to explain that matter, and, as a matter of course, your attention was called to the matter of the record. Now, I ask you the direct question whether or not there appears upon the records of the board of police any order authorizing the issuance of this $200 warrant in favor of Mr. Cheney. I want a direct answer, yes or no.—A. We did not examine the minutes of the police——

Q. Answer the question. I do not care what you did. It is a proper question, and I want you to answer it.—A. We did not examine the minutes of the board at that time.

Q. I want you to answer that question.—A. I cannot say.

Q. You cannot say?—A. No, sir; I cannot.

Q. Do you not know there is no such record?—A. I do not.

Q. Did you ever examine the record?—A. I did not.

Q. Why did they call you to explain the matter?—A. I do not know why.

Q. What did they say to you when you were brought in?—A. They had me summoned, as I understood, and they asked me about the

warrant in controversy, and I said, "Gentlemen, what about it?" The president of the board showed it to me, and said, "Is this warrant all right?" Said I, "Yes, I issued that warrant to Mr. Cheney for his services for a certain quarter of a year." I do not remember which quarter it was. They were issued quarterly under the direction and instruction of the board of supervisors. I said, "Here is my register of all warrants issued." I kept two registers, one being a general register of all warrants issued.

Q. You kept a register?—A. Yes, sir.

Q. Was this register a public record?—A. O, yes, there in the office. I found it right there; a public record.

Q. You stated to the board of police that you entered upon the registry these warrants?—A. Yes, and I exhibited the registry.

Q. Just the simple fact that you recorded the issuance of it?—A. Yes, sir.

Q. Then I want you to state.——?—A. I should like to state in addition to that after I exhibited these books——

Q. Wait a moment. I wish you to state to the committee whether or not there was any record authorizing the issuance of this warrant, save the mere record of its issuance.—A. I never examined the minutes; they did not call me to do that.

Q. Do you not know there was not a record?—A. There ought to be and perhaps is. I never examined, and they did not ask me to.

Q. Do you not know there is not?—A. I do not.

Q. Do you not believe there is not?—A. No, sir; I cannot believe that.

Q. Will you explain why they should send for you to inquire about a warrant when they could have turned to the records of their own court, and if there was any question about it, it would have appeared then and there? You are acquainted with the proceedings of boards of police, having held the office of probate clerk.—A. Yes, sir.

Q. If there had been any such record, what was the necessity for inquiry into the particular warrant?—A. I do not know what necessity there was.

Q. Do you not believe that this investigation was in consequence of a want of record of this transaction?—A. They did not say so to me.

Q. Do you not believe so?—A. It may have been so.

Q. Is that the only warrant that there was any question about?—A. That is the only one that was ever questioned that I have any knowledge of; but I would like to state right here in connection with that——

Q. Will you state what conversation you had, if any, with Mr. Poole about these warrants?—A. I do not remember that I had any conversation with him at all about it.

Q. Have you ever heard any question raised about the issuance of some warrants to the amount of $2,000 that were issued during your time irregularly?—A. I heard something said about it.

Q. When were they issued?—A. I do not know.

Q. Were they not issued during your administration?—A. I do not know. I issued warrants up to the end of my term.

Q. And these warrants, amounting to $2,000, which you have mentioned, and which were questioned, were issued during your administration?—A. There was only that one question that I ever heard of.

Q. You say you have heard of some warrants amounting to $2,000, issued irregularly. I want to know when you heard this?—A. After I went out of office.

Q. Directly after you went out of office?—A. I do not say directly.

Q. How long was it?—A. I cannot say.

Q. What did you hear about it?—A. I understood that they were charging that Welsh had issued some warrants without authority of law.

Q. You did hear that Welsh had done that?—A. I did hear that.

Q. At that time of which you speak when you heard this report, was it not common rumor in that county that you had issued forged warrants; was it not a matter of public notoriety?—A. I do not know whether it was or not.

Q. You say you heard about it?—A. It was mentioned to me a few times.

Q. Who mentioned it?—A. I cannot say any person in particular. I heard of it; but I paid no attention to it.

Q. Was it not a matter of common rumor?—A. I cannot say that it was common. It did not make any material difference, for I never did such a thing without authority of law; I never made a dime by issuing a warrant in my life.

Q. You have been probate clerk in that county for several years. Do you not know that the issuance of warrants by a clerk, whether done with intent to defraud the county or not, if unauthorized by a court, is a forgery?—A. I did not issue any without authority of the court.

Q. I ask you whether or not a paper, a warrant, for instance, drawn upon the treasurer of the county without the authority and without record of court, would not be a forgery?—A. If it was issued without any authority whatever, of course it would be a forgery.

Q. Is there any other authority but that of record for the issuance of warrants?—A. I had the authority from the board of police of that county.

Q. I want you to answer the question plainly. I do not want you to criminate yourself.—A. I did not do anything wrong in connection with that matter, and I did not make a dime by it. Cheney only got his pay.

Q. Answer the question.—A. If there was no authority and no record at all, of course it would be wrong.

Q. I ask you again, is there any record of the issuance of that $200 warrant?—A. I cannot say certainly. I would have to examine the minutes of that court first to ascertain. I never issued a warrant in my life without authority, and never made a dime by the issuing of one.

Q. Can you produce any authority for the issuance of this $200 warrant?—A. I would have to go home to do that, of course.

Q. Can you go to the record, were you to return to your home, and find the authorization for the issuance of this $200 warrant about which you have testified?—A. I expect I could.

Q. You expect you could?—A. Yes, sir.

Q. You do not know that you could?—A. I have never examined.

Q. Was it not your duty to keep that record?—A. Yes, sir; I kept it at that time when I was clerk.

Q. When this board of police called you in to explain about this matter, why did you not take the record of your court and present it to the board of police as the best evidence in the world in relation to the question on that warrant?—A. I just answered such questions as they put to me and got the register, as they asked me to get it, to see about the registry of the issuance of this warrant. It would take some time to look over the police minutes. They are not indexed and could not be indexed very readily. The index would be as large as the book.

Q. Did you make any effort to find that record?—A. I looked at the

two registers, as they asked me to look at them, the only two books they called for.

Q. Did Mr. Poole request you to look over these records?—A. I do not remember that he ever did.

Q. Do you know anything about an indictment found against Mr. Hardin for arson?—A. What Hardin is that, James W. Hardin?

Q. James W. Hardin, yes.—A. I do not. If there ever was an indictment in our county against him I do not know it.

Q. Do you know whether he was indicted in any other county or not?—A. I do not.

Q. Did you ever hear that he was indicted?—A. I do not think I ever did.

Q. Do you not know that he was indicted in the United States court?—A. I do not know, sir. I have no means of knowing. I never had anything to do with that court in my life.

Q. Did Mr. Hardin ever tell you that he had been indicted?—A. I do not remember that he ever did.

Q. Did not Mr. Hardin come to you about the time he got into this difficulty about burning the goods, and advise with you about what he should do?—A. I do not think that he ever did. He told me about Mr. Gilmer having sued them, as I understand it, about the loss of goods, or something of that sort—a civil suit in the United States court, as I understood it.

Q. What conversation did you have with him about it?—A. We talked very little about it. He said he was sued and was afraid it would break him up, or something of that sort. I do not think I ever heard of a criminal prosecution. If I did, I forget all about that. He and several others were sued for loss of goods, property, and so on.

Q. You stated, I think, in your examination-in-chief, that you went up to Shuqualak and Macon to attend those meetings because you had been informed that Judge Chisolm was denouncing you as a liar and calling you infamous names; that you went up there on that account; was that your testimony?—A. Yes, sir; I went up there to see him face to face publicly. I think I stated about that.

Q. Where do you live?—A. I live in De Kalb.

Q. How far from the residence of Judge Chisolm?—A. Our residences are not more than three hundred yards apart.

Q. Had you not opportunities to see Judge Chisolm in his home every day?—A. Yes, sir; of course; that is, when he was at home.

Q. Then you could have seen him face to face at his home?—A. Yes, sir; of course I could.

Q. What particular motive had you for going to see him face to face on those two occasions?—A. They were to be public occasions, and this letter was published to the world.

Q. It had been published before these meetings held up there, had it not?—A. His letter?

Q. Yes, sir.—A. I had seen it that evening.

Q. You could have seen him a number of times face to face?—A. Yes, sir; I could have seen him before he left home. I did see him that same evening, immediately after he wrote his letter; the first time I ever saw it.

Q. I find in the Kemper Herald, of the date of November 1, 1876, a publication of a letter purporting to have been written by you. I will submit it to you and ask you whether you ever wrote that letter?—A. I wrote a short letter the evening of that day after I was at Shuqualak.

Q. That is the letter, is it not? [Handing a paper to the witness.]—A. [Examining.] That is it.

Q. I will read the letter. I want it to be a matter of evidence:

SHUQUALAK, *October* 31, 1876.

ED. HERALD: Chisolm failed to come to time to-day, although in town. The boys were here to-day, and were *all right*.

The words "all right" are italicized there; were they italicized or underscored in your letter?—A. I do not reckon they were.

Q.:

Jordan Moore is here, and will go with us to Macon to-morrow, and to Brooksville next day, if necessary.

There were a good many colored men here to-day, say about three to one.

Let us have all of Kemper out at Scooba and De Kalb at our appointments.

The republican banner trailed to-day in *Noxubee*.

In haste,

GEO. L. WELSH.

Had the democrats announced any public discussion at Shuqualak on October 31?—A. None that I know of. It is not in my county.

Q. You were there?—A. I was there.

Q. You say in this letter, "The boys were here to-day." Whom did you mean by that?—A. The democrats there. A few went from my county with me, and a good many others came in.

Q. What did they go there for?—A. They went along with me.

Q. Did you ask them to come?—A. One or two I did.

Q. Did you ask more than two?—A. I think two is all.

Q. Did you cause those two to invite any others to come?—A. No, sir, I do not know that I did. I do not think I did. I saw them on the way there.

Q. How many went over from Kemper County to Shuqualak, in Noxubee County, on this occasion?—A. There were six or eight, perhaps. I do not remember the number definitely.

Q. Were these men armed that went over there?—A. I do not think I saw any arms except in the hands of one man, and that was a little pistol.

Q. Did you have any arms that day?—A. I did not; I never had a pistol on my person in my life.

Q. You state in this letter that you request to have "all of Kemper out at Scooba and De Kalb." To what occasion did you refer in that sentence of your letter?—A. That refers to the following Friday and Saturday—Friday at Scooba, and Saturday, I believe, at De Kalb. That is my recollection now.

Q. On the occasion of the next Friday and Saturday of which you speak, at Scooba and De Kalb, were they not the occasions on which Judge Chisolm, candidate for Congress, was to speak?—A. Yes, sir. My recollection is that his appointment was at Scooba on Friday and De Kalb on Saturday. That is my recollection.

Q. And you requested to have all Kemper out at Scooba and De Kalb. Was it customary, prior to 1876, for democrats to advise, in the public prints and by notices of this kind, their democratic friends to attend republican meetings?—A. I do not know that it was.

Q. It was not customary?—A. I could not say.

Q. The democrats did not attend republican meetings very generally, did they?—A. Not very generally.

Q. Did you ever know, prior to this time, of any prominent democrat appealing to his democratic friends in the county to turn out to a

republican meeting?—A. I never remember seeing any publication of that sort.

Q. But you did request them to turn out on this occasion. Why did you want all Kemper to turn out?—A. I wanted to see them all together and have a good time.

Q. You expected to have a good time at a republican meeting?—A. I expected there would be a good many republicans out, and I wanted to see the democrats make a good showing too.

Q. What do we understand by "a good time?"—A. Have all our people together.

Q. You wanted, simply, to get them all together. Could you not get your people together on some other occasion than on occasions of republican meetings?—A. We could have done so, I suppose.

Q. Wherein would it enhance the pleasure, in your judgment, to have them all out on that particular occasion?—A. We wanted to have a big crowd.

Q. Now, as a matter of fact, as a democrat in your county, when you wrote that letter was it not your intention and purpose to assemble the democrats of Kemper County on the occasion of the meetings at Scooba and at De Kalb for the purpose of disturbing a republican meeting at which Mr. Chisolm, the candidate for Congress, was to speak? Was not that the object of it?—A. I did not want any disturbance at all. I wanted them to be there, though.

Q. Did you not think at the time there might be a disturbance?—A. Well, a disturbance might arise.

Q. Did you think that gathering people together for a disturbance was, in your judgment, a good time? Was that what you call having a good time—for the people to assemble together when there was imminent danger of a disturbance?—A. We wanted to be in full numbers with them.

Q. Why did you desire to be in full numbers on that occasion more than on any other occasion?—A. We expected a big republican meeting, and we wanted to be even with them in point of numbers. That is about the only reason that I know of.

Q. You wanted to be even in point of numbers. Why did you desire to be even with the republicans on that occasion more than on any other?—A. We liked to have as big a crowd as the others.

Q. Why did you desire to have a big crowd on that occasion?—A. It is customary with the people to desire a large attendance of their friends at those public meetings.

Q. Had it been the desire of the democrats of your county to turn out so as to be even with the republicans in your county for the last six years prior to this?—A. I do not know what their desires might have been in reference to that.

Q. Do you not know as a democrat that you have never carried out any such policy of assembling on occasions of republican meetings the democrats of your county in order to be even in numbers with them? Do you not know that it never had been done prior to 1876?—A. One reason I wanted to be there——

Q. Will you answer the question?—A. I do not think it has been done.

Q. Is it not a fact that the democrats of your county had an appointment at Scooba the day before, say on Thursday?—A. Thursday was the democratic barbecue, I think.

Q. You had a large barbecue there, a general turn-out the day before?—A. Yes, sir.

Q. And the day following you issued a letter, and caused the letter to be published, appealing to the democrats of your county to be all present the next day? I desire to get at the facts in the case. You are a prominent democrat in that county. I simply want to know the object of that appeal to your democratic friends to be in large numbers at Scooba the day following that of the political barbecue that you held. I desire to know why you were anxious to have that crowd there. You have some reason to give?—A. On account of this publication that Chisolm had made against me, that letter you see in the papers there, I wanted my friends out.

Q. On account of that publication you wanted your friends out?—A. Yes, sir.

Q. What did you propose to do?—A. I did not know. We proposed to be governed by circumstances.

Q. State any circumstances that would have governed your action on that day.—A. If he had denounced me publicly, as I understood he had been doing in other parts of the district, I expect there would have been a difficulty.

Q. You expected there would?—A. Very likely.

Q. Had not Judge Chisolm denounced you publicly, and was it not a notorious fact in the mouths of everybody that Judge Chisolm had thus denounced you prior to this meeting?—A. His letter was published, and I saw it.

Q. And you were in the habit of meeting Mr. Chisolm every day as one of your neighbors, were you not?—A. Yes, sir; we saw each other almost daily.

Q. And yet on this occasion you proposed to assemble the democratic party of that county to go down there, and in the event of Mr. Chisolm repeating his denunciation of you, you apprehended difficulty?—A. There might have been a difficulty.

Q. So you sought to get the democratic party to go there in order to attack Mr. Chisolm. That was about it, was it not?—A. Not attack him if he had made his republican speech without any such statement.

Q. Suppose he had repeated that statement on that occasion, what did you intend to do?—A. I cannot tell what I would have done. I do not know. I suppose I would have been governed by circumstances.

Q. Was it not a fact that on the day when you went to Scooba the democratic party had announced a meeting for public speaking at De Kalb?—A. On Friday?

Q. Yes, sir, on Friday? Was not that a regular appointment of the democratic party for public speaking at De Kalb?—A. Well, sir, I believe it was. I am not sure now.

Q. You abandoned that meeting to go over to Scooba?—A. The executive committee and the people all abandoned it.

Q. In relation to this letter you wrote, I want to know what you meant by saying that the boys would attend the meetings at Macon and Brooksville, if necessary.—A. I said that Jordan Moore would, I think; that Jordan would go to Macon and Brooksville, if necessary, in order to have a living witness to corroborate my statement about the forgery of that signature of Perry Moore to the paper. Jordan did it very willingly, and told me he would go to Macon and substantiate my statements.

Q. Did you go to Macon on the occasion referred to here at the time you expected Mr. Moore to back you?—A. Yes, sir; I went up the next day.

Q. Did you hear Judge Chisolm's speech?—A. I did not hear a word of it.

Q. Where were you at the time he was making the speech?—A. On the opposite side of the street; part of the time up town.

Q. Did you not know that on that occasion Judge Chisolm denounced you as he had in his letter before then?—A. I heard so afterward.

Q. Did Mr. Moore contradict anything that he said that day?—A. I do not know whether Jordan Moore was there at the time he was speaking.

Q. Did he not go over with you?—A. I do not know that he was there during the speaking. He was in town.

Q. Did he get up publicly on that occasion and announce that that signature that had been referred to was a forgery?—A. Yes, sir; he did. He said his father never signed that paper.

Q. Publicly?—A. Publicly, on the stand.

Q. Was it while Judge Chisolm was there?—A. He was not present at that time.

Q. I ask you whether you did not hear Judge Chisolm, in his speech at Macon, say that any man who said that he had forged this paper was a liar, a poltroon, and a scoundrel?—A. I did not hear one word of his speech at Macon. Colonel Younger was speaking when I went down. They spoke on the back gallery of the court-house.

Q. Did you hear he made that statement that day?—A. I think I heard it that evening or the next day.

Q Why did you not take exception to that on that occasion as you intended to do at Scooba, when you invited all Kemper County there?—A. I did not see Chisolm that evening.

Q. You did not see him?—A. The only time I saw him was when he was going over to the court-house early in the morning, I suppose going up to speak, and then when he walked off from the stand into the circuit clerk's office, I suppose, from the direction he was going. Younger was then speaking. That was the last time I saw him there. I did not see him in Noxubee any more.

By Mr. MONEY:

Q. The white people of Kemper County generally opposed the appointment of Judge Chisolm as chancellor?—A. So I understood.

Q. That was the general feeling?—A. That was the feeling, I believe.

Q. In relation to this forged instrument, did I understand you to say in your examination by Mr. Pease, that the forgery was made after Perry Moore was dead, but was dated back before his death? Is that my understanding of your statement.—A. Yes, sir; that the paper was fixed up after Perry Moore's death.

Q. But dated back?—A. But dated back inside of his life-time.

Q. You say this signature was not in the handwriting of Mr. Chisolm?

Mr. PEASE. I must object. You say he says so and so. It is putting words in the witness's mouth.

Mr. MONEY. We can refer to the record.

Mr. PEASE. I object to such questions.

Q. (By Mr. MONEY.) I will ask him, then, whether the forged instrument was made after the death of Perry Moore, and dated back or not?—A. When I first saw it, it was long subsequent to the old man's death, and I made the charge upon Chisolm that the old man was dead at the time, and Chisolm admitted it.

Q. And the paper was dated before his death?—A. The paper was

dated inside the old man's life-time. As I understand, he died about the 8th of February.

Q. Judge Chisolm attested the signature to this instrument, did he?—A. Yes, sir.

Q. In his capacity as probate judge?—A. Yes, sir; in his official capacity.

Q. You say he did not sign it?—A. The two words, "Perry Moore," were not written by him.

Q. The attestation of the judge was: "Before me, W. W. Chisolm, judge of probate in and for said county, personally came Perry Moore, to me well known," &c.; and ending with: "Sworn to and subscribed before me?" &c.—A. Yes, sir; it begins and ends in that way, and is attested by him with his own genuine signature as probate judge.

Q. He signed his name in the capacity of probate judge to a document purporting to be signed by Perry Moore when he knew Perry Moore was dead?—A. Yes, sir; and a copy of it is, I understand, in that pamphlet.

Q. Was Chisolm a republican in 1867?—A. About the time of that paper coming to my certain knowledge I do not think the parties had been formed. They seemed to be all about one at that time.

Q. About these indictments. One circuit clerk went out and another came in about that time. Is it not a fact that these papers were put in the hands of the sheriff of that county?—A. Judge Foote told me that he had put them in the hands of the sheriff. I do not know that to be a fact. He told me he had.

Q. Did you say that you refused to speak to somebody who voted for that constitution in 1868?—A. Yes, sir.

Q. Was that because that constitution disfranchised you and the other men of your class?—A. Yes, sir; that is the way I understood it. There was some considerable feeling there about it.

Q. About this warrant for $200 to Mr. Cheney, you say you went before the board and the board expressed their satisfaction with your explanation?—A. They expressed entire satisfaction right in my presence.

Q. You were asked if you ever knew of any instance where the negroes did really march upon a town. Did you ever hear of about 1,100 of them marching upon Vicksburgh?—A. I think I was asked if I knew of anything of the sort of my own knowledge. I replied that I had seen newspaper reports and had heard reports verbally to that effect.

Q. It is historical information, is it not, that about 1,100 negroes did march upon Vicksburgh, with arms in their hands?—A. That was the current rumor.

Q. That was historical information, was it not?—A. Yes, sir.

Q. And sufficiently fresh in the minds of the people of Scooba and De Kalb to warrant them in taking action to prevent any recurrence of that thing?

Mr. PEASE. That is rather a leading question. I object to that.

Mr. MONEY. You made him your witness on that very thing.

Mr. PEASE. You are making an argument for the witness.

The WITNESS. I understood Mr. Pease to ask me if I knew of an occurrence of that sort to my own knowledge, and I said I did not.

By Mr. MONEY:

Q. Was it not a matter of historical knowledge that the negroes at Vicksburgh had done that very thing?—A. It was. I so understood from the newspaper statements.

Q. Was it not generally understood to be true?—A. The people understood it to be true.

Q. In your mind would that justify the people of Scooba and De Kalb in expecting something of the same sort when these rumors came to them?—A. Yes, sir; it would be justifiable, I suppose, from what they had heard to come to the conclusion that the same thing might occur in our little town. It strikes me that would be a reasonable conclusion to come to.

Q. About what time in the day's proceedings at Macon was the testimony of Jordan Moore made upon the stand?—A. That was about the conclusion of Younger's speech.

Q. Was it done in Younger's time?—A. Inside of Younger's time, as I understood it.

Q. It is to be presumed, then, that Judge Chisolm was present when his opponent was making his speech?

Mr. PEASE. That is a leading question. I object to that sort of examination.

Mr. MONEY. I do not see how that is a leading question.

Mr. PEASE. It is purely a leading question. I object to that question.

Q. (By Mr. MONEY.) I will ask, then, is it not the presumption that when two men meet in discussion they hear each other speak?—A. They generally sit and hear each other. As far as I have generally known, that is the rule and custom.

Q. Was not that the only opportunity to introduce Mr. Moore to that audience in the shape of a witness?—A. That was the only showing we would have had, inside of our speaker's time, it occurs to me.

By Mr. PEASE:

Q. At the time you first learned of this forged affidavit, were you holding the office of probate clerk?—A. Yes, sir; in 1867.

Q. Was it not your duty, if it came to your knowledge that a public officer of that county was guilty of forgery, to have him arrested at once?—A. I did not think it was.

Q. You did not think it was?—A. No, sir; I did not think it was.

Q. Did you not know the law required it?—A. No, sir; I understood that the law required it to be reported to the grand jury.

Q. How long was it from the time you first discovered this forgery to the time you went before the grand jury?—A. I will say five months; something like that. It was the next grand jury.

Q. Some three or four months, was it?—A. Nearly five months, I reckon.

Q. You have been a public officer, acquainted with your duties, and conversant with the laws of the State. I ask you, supposing you had seen Judge Chisolm commit a murder in the town of DeKalb, or in that county, what would have been your duty under those circumstances?—A. As a public officer it would been my duty to see that he was arrested.

Q. Exactly. Now, then, if you were cognizant that Judge Chisolm had committed a forgery, was it not your duty to have him arrested?—A. I did not think it was. I may have been mistaken about it, but I did not conceive it to be my duty to do anything further than to present it to the grand jury.

By Mr. MONEY:

Q. Do you not also know that it is the duty, not only of every officer, but of every citizen, to prevent a murder and arrest a man for a murder,

as far as that is concerned?—A. I believe, in a case of murder, it is that way. It seems to me the statute authorizes any citizen, who has a personal knowledge of it, to arrest him.

By Mr. PEASE:

Q. Did you ever read that statute?—A. I think I have; I am not sure about it now.

Q. Does not the statute provide that, in case forgery is committed, it is the duty of every citizen to do the same thing?—A. I do not know.

Q. You are familiar with the matter of murder, but not with the other?—A. It struck me just as I have stated.

Q. You are acquainted with the laws of the State. Does not the law require every public officer and every citizen, in the event of a felony being committed, to present it at once to the court?—A. I cannot say that I know that to be the law.

Mr. MONEY. He did present it to the court, he testifies.

The WITNESS. Mr. Pease was speaking of having him arrested, as I understood.

Mr. PEASE. Exactly.

The WITNESS. I did not conceive it to be my duty.

WASHINGTON, *February* 7, 1877.

Hon. H. R. Pease representing Senator Teller; Hon. H. D. Money, member of Congress, representing Senator Kernan.

ROBERT C. PATTY sworn and examined.

By Mr. MONEY:

Question. You are a citizen of Mississippi?—A. Answer. I am.

Q. Of what county?—A. Noxubee.

Q. Do you hold an office in that county?—A. I do.

Q. What is it?—A. Chancery clerk.

Q. Are you well acquainted with the political condition and affairs of your section?—A. I am.

Q. Just give a succinct statement to the committee of the condition of affairs in your section and in Mississippi generally prior to 1875 and that election, embracing all the causes that led to the result of that election.—A. From 1869 to the opening of the campaign of 1875 there was, in our section of the State, virtually no organized opposition to the republican party.

By Mr. PEASE:

Q. From what year, did you say?—A. From 1869 to the opening of the campaign in 1875.

By Mr. MONEY:

Q. You say no virtual opposition—no organized opposition?—A. No opposition. They had control of all the State departments and a very large majority of the counties, and sought to perpetuate this rule by a thorough, compact organization of the negroes as a class, thereby practically ignoring the great body of the white people and giving them to understand that their co-operation was not essential to the successful administration of public affairs.

Q. One of the witnesses stated the other day that there were twelve

white republicans in Noxubee County; do you know that there are twelve?—A. I think there are thirteen.

Q. Do you know their names?—A. I do.

Q. I wish you would give their names; do they hold office, any of them?—A. When I say thirteen I mean thirteen most prominently identified with politics. I believe there are three other white men there who are Quaker school-teachers.

Q. Give their names and offices.—A. Charles B. Ames, county superintendent of public instruction, and is yet; W. M. Connor was then sheriff; J. R. Cavett was his deputy; Joshua Stevens, county treasurer; J. B. Allgood, president of the board of supervisors, is now sheriff; W. H. Kennon, deputy circuit clerk; E. A. J. McHenry was chancery clerk; W. P. Simpson, tax-assessor; J. W. Chandler, member of the house of representatives; T. J. Reed and G. J. Shipman were magistrates; J. W. Robbins was editor of the Free Opinion.

Q. Was he not public printer under the law?—A. Yes, sir. Ex-Governor Powers also resided in the county.

Q. That was a baker's dozen in that county of white men?—A. Yes, sir. With your permission I desire to complete the statement. It became evident very early in the campaign of 1869 that a feeling of hostility existed on the part of the negroes toward the whites, and that they were in actual fear of being remanded to slavery in the event of the restoration of the democratic party to power. All efforts to disabuse their minds were idle and tended rather to increase the feeling of distrust. For this reason, and the belief that the republican party of the State, as constituted, contained the elements of its own early disruption, the whites withdrew, in a great measure, from politics. This belief ripened into a feeling of confidence after the defeat of Governor Alcorn in 1873, and the accession to power of the worst elements of the party, with its attending incompetency and profligacy. I may here state, that in my opinion Mississippi would be republican today if Governor Alcorn had been successful in 1873.

Q. You mean the republican party has been disrupted by the nomination of Governor Ames and his candidacy?

Mr. PEASE. I object to words being put into the mouth of the witness; let him state his answers without that.

Mr. MONEY. (To the witness.) That was the cause of the disruption of the republican party; the candidacy of two men running for governor?

Mr. PEASE. I object to such a question; that is a mere opinion.

The WITNESS. I have reasons back of that opinion. I can state why I have this opinion.

By Mr. MONEY:

Q. State the reason.—A. The reason for my opinion is that I believe Governor Alcorn would have attracted to his support the best element of the republican party, and perhaps a large portion of the white democratic party, and would have encouraged measures that would have been soon satisfactory to all classes of people. The republican party, after having practically drawn the color-line, entered the canvass of 1875 divided into factions distracted by bitter dissensions. In this connection I desire to submit an editorial from the Columbus Press, a republican newspaper published at Columbus, in Lowndes County, Mississippi. The paper is dated August 7, 1875. The editorial appears under the names of H. W. Lewis and E. R. Bliss, editors and proprietors. They are both northern men, and were at the time prominent members of

the republican party. The editorial contains, as I believe, a truthful representation of facts.

Q. Were they office-holders?—A. I think they were; that is my information. I do not know of my own personal knowledge.

The editorial was as follows:

THE BLACK COLOR-LINE

Let him dispute it who does, it is no less true that there are within the republican ranks scores of colored men who are just as determined to establish a color-line and run nobody but colored men for office, as there are of white men who are bent on establishing a white line.

In the earlier days of republicanism in the South, when it felt itself weak and in peril, it was the habit of the party to select the best men, regardless of color, for all positions. By this course the party became strong and successful, and, year after year, swept on to victory. Then it became known to unscrupulous men of both colors that the voting mass of the republican party being ignorant, an appeal to their prejudices upon the question of race was sufficient to secure a considerable political capital for the person who resorted to this base measure. The most unprincipled of white men, men who were about to be dropped out of the party because of dishonesty or lack of brains, readily seized this new device to prolong their unworthy political existence. Swell-headed colored men who had gotten a little taste of office in the way of road-overseers or beat-constables immediately aspired to seats in the legislature or the county offices, and applying the argument that colored men did the voting and colored men should have the offices, they succeeded in molding and fastening a sentiment which, widening and deepening, has finally brought the republican party, not only of the South but of the nation, up to the very verge of destruction.

The grand anthem of victory that swept across the land in 1868 and 1869 swelled the voices of the republican majorities in Arkansas, Tennessee, and Alabama, in Georgia, North Carolina, and Virginia. Where are these States to-day? Gone, irretreivably, across the dark line and arrayed in hostile attitude with the opposition. What lost the States? Ignorance and corruption in office, and dissension in our own ranks caused by unprincipled men. Last fall all the great republican States of the North, one by one, crossed over to the enemy and took up arms against us. What drove them from us? The scandal and disgrace brought upon the national party by the shameless and corrupt management in many of the Southern States.

As a means of bringing about this state of affairs in the South, none has been so fruitful as the persistent force of the argument that colored men, because colored, should have their proportion of offices, and the carrying out of that proposition, regardless of the qualifications of candidates, in conventions and elections.

Let us take for example our State convention of two years ago. The colored delegates came into that convention laying down the ultimatum that at least three out of the seven State officers should be colored men. They were not particular who they should be, just so the coloring matter of the skin was of the proper hue. This was the ultimatum. To enforce this demand came Warren County—victorious, unfortunate, distracted Warren—puffed up with vanity over her five thousand majority, swaggering with the intoxication of absolute colored supremacy. Warren County came bristling with pistols and, led by the gallant Furlong—the last of the white-skins that had been compelled to loose his leech-like hold upon the public pap—Warren came, and mounting the desks in the halls of representatives, where the convention assembled, tearing the costly furniture of the State with their boot heels, and brandishing their pistols in the teeth of the convention. Messrs. Davenport, Crosby, and Furlong swore they would disrupt the republican party if it didn't nominate T. W. Cardozo for superintendent of public education. The black-liners bullied the convention and carried their point. Cardozo was nominated and Pease was defeated, to the everlasting shame of the party, and to-day Cardozo hangs like a millstone about its neck, sinking it deeper and deeper in the mire.

Warren County went home and made a clean sweep of the county offices for the black-liners, and to-day scores of their ignorant dupes lie buried in the ditches. Crosby, the sheriff, is a fugitive; a white-leaguer occupies his place; and Davenport and the rest are hunted down like sheep-dogs, while the poor misguided mass of colored republicans of that county dare not, upon their lives, assemble in a political gathering; and when the next election comes they will be swallowed up in the deep, dark abyss of ruin which they themselves have dug.

Warren County is but an example of the several Southern States that have been revolutionized and gone over to the enemy. It is but an example of what will become of the State of Mississippi if the same counsels which have plunged her into desolation and despair, are allowed to prevail in the other counties of the State. The same class of advisers exist in nearly all the counties. They are here in Lowndes. They will tell you to vote for your own color or die in the attempt They will tell you that white republicans are only such for office. They will have you rush into an issue of race against race and plunge the county

into strife and bloodshed if they perchance might ride safely upon the surging waves over the dead bodies of their countrymen to positions of profit.

We have uttered this warning voice more to acquit ourselves of a solemn duty to our many colored friends who are ignorant of the tendencies of the times, than in the hope that it will stay the sweeping tide that is bearing us onward to destruction. Let the sober, thinking colored men ponder it well, and act according to the teachings of the facts herein set forth, and the party may yet be saved and live to bless them, and their children after them, with the sweet reign of peace, and the enjoyment of all the rights and privileges of freemen and citizens. Let them refuse to listen, and the end is not far in the future.

The WITNESS. That, I suppose, gives the committee a statement of the condition of affairs in the canvass and actual campaign of 1875.

Q. It tells about the campaign in your county in 1875?—A. The republican party in Noxubee County was divided into factions, commencing with the Congressman, and, I believe, extending down through to all the county officers.

By Mr. PEASE:

Q. This was in 1875?—A. 1875; yes, sir.

By Mr. MONEY:

Q. What sort of a campaign did you have? Were there two candidates for Congress?—A. There were two republican candidates for Congress in the district, and one democratic candidate.

Q. Do you know how it happened that there were two republican candidates for Congress?—A. From a split in the republican convention, as I have been informed.

Q. Do you know anything about that split?—A. Nothing but what I have seen in public print.

Q. Have you got anything on that point?—A. I have nothing except one copy of the Free Opinion, which was a republican newspaper published in Macon.

Q. Edited by J. W. Robbins?—A. Yes, sir. It is a long editorial in relation to Chancellor Frazee, who was——

Q. Does it bear on that convention?—A. It bears indirectly on the convention, but it is chiefly in relation to Chancellor Frazee, and the manner in which he conducted the convention.

Q. Well, we will put that in.—A. The paper is dated September 24, 1875.

Q. Is that a republican paper?—A. Yes, sir.

Q. And the other was a republican paper?—A. Yes, sir; I stated that that was a republican paper. The article is headed—

A "GALLANT" CHANCELLOR.

The West Point Times, of the issue immediately following the Starkville convention, in concluding an account of the same, says, "And compliments upon compliments were paid to the gallantry and self-control of the presiding officer of the convention, Hon. W. D. Frazee."

What is here termed Chancellor Frazee's "gallantry and self-control" appeared to every one, save a very few of his boisterous associates upon that occasion, the uncontrollable frenzy of a weak and excited brain and the coarse and furious bravado of a bully. By this writer we suppose it was deemed an act of "gallantry" for Chancellor Frazee, when beaten by a vote twice taken for chairman by General Eggleston, to rush upon the stand and by main force, and by the strength of his lungs exerted to the utmost, to crowd from there General Eggleston, amazed and disgusted. His admirabl "self-control" became apparent, we suppose, to this writer, when Chancellor Frazee, on the very first occasion when he spoke before the convention, gave free and unrestrained license to the impulses of his anger and chagrin, grew purple in the face, shook his ponderous fists before the Powers men, stamped furiously upon the floor, and, with the most repulsive profanity, shouted his defiance to the rulings of the chair and the laws of parliamentary usage, and declared, with what we suppose he believed to be terrible effect, his willingness "to die right there."

We have no desire to use the advantage of our columns to attack unjustly any man, but we believe that we only express the sentiments of every right-thinking man who witnessed

Chancellor Frazee's conduct upon that occasion, when we say that it was not only a disgrace to and a pollution of the important judicial position which he occupies and a dishonor for which the whole judiciary of the State must blush, but that it was subversive of all peace and good order in the convention, and a deliberate and aggravating insult to the gentlemen who composed it. It will be useless now for Chancellor Frazee to reply to this by another exhibition of anger, because, after the most careful deliberation, we are only giving expression to the sentiments of those twenty or twenty-five delegates who were shocked and insulted by his actions in that convention. And to Chancellor Frazee, more than to any other man in this district, we believe, belongs the responsibility for the disorder in that convention, and the consequent division and disruption of the party in this district.

The delegates favorable to Powers went there knowing that they were in the majority, and appreciating the danger to peace and unity likely to result from the fierce determination of the minority to rule or ruin, and they assembled there determined to make every possible honorable concession, but they were, not unnaturally, unprepared to hear men talking about "fighting and dying" in a convention of the supposed representatives of the republican party of this district, called together peaceably and in a dignified manner, befitting the importance of the work, to express the choice of its fifteen thousand voters of a suitable man to represent us in the National Congress. But it was with just such senseless threats that Chancellor Frazee attempted, literally, to intimidate the members of that convention. To this the friends of Powers listened in silence, though it could not be but a contemptuous silence; they even suffered this man to remain in the chair during impending negotiations of compromise, where, by the ballot twice taken and the decision of the acting chairman, he had no possible right; but they rebuked him finally, and the majority of the republicans, whom they there represented, will administer a more unmistakable and crushing rebuke to Frazee, Little, and the whole rampant crowd of bolters and soreheads, upon the 2d day of November next.

It might be interesting to inquire into the political history of Chancellor Frazee were his influence, now being exerted for bad, of any extent or importance. All that is necessary to say now is, that his republicanism is of very recent date, and we have in our possession a letter, written by him in 1868, (furnished us by a kind correspondent from Chickasaw,) containing abuse of northern men, and advice to the colored people, which might prove very embarrassing for him to meet during his canvass of the district in support of the bolters' movement. If he should, by any accident, assume sufficient importance in the coming campaign as to make it necessary, we will try and find room to reproduce this choice little bit of epistolary exercise.

Q. Mr. Patty, you have not told us anything about the organization of the two parties in that county—you spoke of two parties; were they very thoroughly organized?—A. The democratic and republican parties?

Q. Yes, sir.—A. The democratic party was not organized until the commencement of the campaign, but before the election it was thoroughly organized.

Q. Was there any dissatisfaction with the county officers of that county that played a considerable part in that canvass?—A. Yes, sir; there was general dissatisfaction, I believe, as to the manner in which the county offices had been conducted.

Q. All the officers were republican, were they?—A. So far as I can think, they were, all.

Q. Give the causes of dissatisfaction which might have had an influence on the result of the election.—A. The chief cause, I suppose, was the corrupt and extravagant appropriation of public money.

Q. Give something specific about that, if you have it.—A. Another cause of dissatisfaction was that a large amount of taxes had been collected and the failure in some cases to account for it properly. The examination into republican affairs had been made at the outset of the campaign, and the developments were very damaging to the republicans; and at the next grand jury the people appeared against them and they were indicted for various misdemeanors.

By Mr. PEASE:

Q. That is in Noxubee County?—A. Yes, sir.

By Mr. MONEY:

Q. You spoke of taxes; have you any memorandum to show the scale of taxes?—A. Yes. I can give you the amount of taxes levied for county purposes for the years 1871, 1872, 1873, and 1874.

Q. Well?—A. The taxes levied amounted to $199,839.43.

By Mr. PEASE:

Q. This levy was for what years?—A. 1871, 1872, 1873, and 1874.

Q. What was the amount?—A. One hundred and ninety-nine thousand eight hundred and thirty-nine dollars and forty-three cents.

Q. That is the aggregate of all those years?—A. Yes, sir. That is the amount simply of the county taxes, with no reference to the State taxes. On this amount sheriff and tax-collector received a credit for $26,252.44 on account of insolvencies and corrections. He is credited with that amount on the $199,000 with which he was charged in the first place. The poll-tax for four years amounted to $18,450. One year it was a $2 poll-tax. In 1871 in this county the sheriff and tax-collector received a credit of $12,214 as insolvent poll-taxes, leaving $6,236 as the whole amount collected on account of poll-taxes for four years; after deducting the credits the sheriff was chargeable with $179,822.99. The books of the treasurer show that the sheriff had only accounted for $154,692.67, leaving a balance not accounted for of $25,130.32.

By Mr. MONEY:

Q. Had legal steps been taken to adjust that balance and make the sheriff responsible for the amount?—A. Yes, sir. I think such a suit was then pending.

Q. Were there any legal steps taken, and, if there were, what were the consequences of it?—A. The county treasurer had brought suit in the circuit court to recover the amount claimed, and it was upon the exhibit that the campaign was conducted chiefly in Noxubee County. I have not spoken on what accounts the taxes collected were disbursed. Right here was the strong argument we made with the colored people; the poll-tax went exclusively to the common-school fund, and in all the four years named only $6,236 had been collected to pay over to the school-fund. And in that one year, although there were 3,929 persons assessed with polls, only 897 paid poll-taxes. And we also showed the disbursement of all the county funds and claimed that it had been money wasted.

By Mr. PEASE:

Q. This was the campaign of 1875?—A. Yes, sir.

By Mr. MONEY:

Q. What was done with the suit against the sheriff, and this unexplained balance against him?—A. At the last term of the court judgment was obtained for the sum of $10,000, approximately.

By Mr. PEASE:

Q. You say that judgment was obtained for how much?—A. Yes, sir, $10,000; the difference between this judgment and the amount originally sued for was adjusted by the present board of supervisors.

Q. Which is democratic?—A. Between them and the tax-collector.

Q. The difference between what, you say?—A. The difference between twenty-five thousand and the ten thousand, which was adjusted by allowing the credit refused by the former board, which was republican, and by sundry payments to the treasurer by the collector.

By Mr. MONEY:

Q. Was there any other special objection to the administration of affairs in that county; and if so, of what character?—A. I have a statement here showing the disbursements of the county finances, if that should be deemed necessary, and I have also a report of the grand jury made in October, 1875.

Q. Well, I will put that in. The report of the grand jury of 1875?—A. Yes, sir.

By Mr. PEASE:

Q. The grand jury of the circuit court of that county?—A. Yes, sir.

Q. Were there not two grand juries organized that year in that county?—A. Yes, sir.

Q. How was that?—A. I say two grand juries were organized; a grand jury was appointed by the board of supervisors there.

Q. Was that board of supervisors republican?—A. Yes, sir.

Q. And they appointed a grand jury, did they?—A. Yes, sir; five members of the board of supervisors appointed four members from each district, making twenty men.

Q. Did that grand jury sit?—A. No, sir.

Q. What disposition was made of it, what was done?—A. My own understanding is some of them were not summoned by the sheriff, and others were rejected by the judge on the opening of the court for causes shown, and the sheriff was directed to summon a new jury. I can now give the common report as to the selection of these two grand juries.

Mr. MONEY. We will take that.

Mr. PEASE. I will object to that. (To the witness.) You know nothing of your own personal knowledge?—A. No, sir.

Mr. MONEY. Go ahead.

A. It was, in the first place, that Dr. Allgood, the president of the board of supervisors and the candidate for sheriff, had appointed a grand jury with a view of promoting his prospects for the nomination as against Mr. Connor, the incumbent; and for that reason Mr. Connor had succeeded in having the grand jury quashed, not impaneled, and he in turn had summoned a grand jury favorable to him and who were enemies to Dr. Allgood. I give that simply as rumor. I know nothing as to the truth of it.

Q. Was that the general belief?—A. So far as my knowledge extends, it was.

The following is the report of the grand jury:

STATE OF MISSISSIPPI, *Noxubee County.*

Circuit court, October term, 1875.

To the Hon. J. A. ORR, judge of the 7th judicial district:

The undersigned grand jurors, impaneled at the present term of court, in closing our labors, respectfully report that we have reason to congratulate the people of the county on the notable decrease of crime in our county, among all classes of the community, as shown by the records of the justices of the peace, the witnesses examined, and number of indictments returned by us. This relates not only to the higher grades of crime, but to petty offenses among the people at large.

We regret that we cannot make such favorable reports as to some of the public officers of the county and the general management of county affairs.

It seems that the board of supervisors have been very lavish in spending the public funds; in many instances having allowed accounts without order or authority of law. The allowances to the clerk of the chancery court alone, in the past three years, will aggregate over three thousand dollars, the greater part thereof being for claims for services not authorized by law.

In the management by the board of county affairs there seems to have been too much disposition manifested to carry out personal ends and schemes. As evidence of it, the rec-

ords show many allowances to personal favorites of the board, and even to some members of the board themselves, while legal accounts, presented by others, have been rejected or delayed. This feeling has been carried to such an extent toward the sheriff, that the board determined, and so expressed, to have nothing to do with his accounts. We have endeavored to apply the proper legal correction in all cases where the evidence warranted it.

We find the chancery-clerk's office in a deplorable condition; the records of the board of supervisors, particularly the loose manner of issuing warrants, have both given us much trouble and concern for the public interest.

We find many valuable public papers, accounts, and the like, missing from the office, and the records in considerable confusion.

In many instances there have been over-issues in account, and duplicate warrants issued, showing great carelessness, if nothing worse. We find, also, after some trouble, that a license to retail liquor was issued from this office to Messrs. Haynes & Dunlap, Shuqualak, in the year 1872, for which the money required by law to be paid has never reached the county treasurer. Our investigation places the responsibility on the chancery-clerk's office. We ask the attention of the board of supervisors and county attorney to these matters, in order that suits may be instituted, if necessary, to recover the public money thus lost or misused. We have fully discharged our duty in this direction. In saying this much as to the chancery-clerk's office, we mean no reflection whatever on Mr. J. W. Hopkins, the present deputy clerk, as he has had charge of this office but a short time.

In regard to the circuit clerk and his office, we desire to make special mention. We find the records and papers well and carefully kept, and every thing in good order, with duties well and promptly performed. There was some little complaint that the circuit clerk had not paid the jury tax to the county treasurer, as required by law. We are glad to report this a mistake, as the reports were regularly made, as required by statute. The county treasurer, though there was no actual wrong, had not given receipts in proper shape to the clerk. This, however, has now been done, and the receipts exhibited to us by Mr. White.

We find the books of the county treasurer in good shape and condition. There may have been some irregularities in minor matters, but all funds coming into the hands of the treasurer have been properly and faithfully accounted for. We feel that there is no complaint against this office.

It had been reported and understood, before the assembling of the grand jury, that the sheriff of the county was a defaulter for a large sum—more than twenty thousand dollars. This caused us to devote more than customary time, labor, and pains to the investigation of matters connected with the sheriff's office. We have had before us the various county officers, several judicious and prominent citizens, as well as Colonel McMichael, the State agent appointed by the governor to look after settlements with officers, and his distinguished attorney, Colonel Dowd, of Aberdeen. The result of our deliberate investigation is, that when there is a full and proper settlement made between the sheriff and the county there will be but little difference either way; but, if any, the county may be in debt to the sheriff for a small amount.

We feel it our duty to say, further, that we find the sheriff's office generally in good condition; the sheriff himself discharging his duties well and faithfully, as also his several deputies.

In this connection we desire to make special mention of the prompt, determined, and prudent manner in which Sheriff Connor and his deputies managed the riot which occurred in our county in August last.

We have examined the county jail, and premises thereto attached, and find everything usually clean, in thorough order, and evidently well kept. We find the prisoners to have good treatment, abundant food, well prepared, and proper precaution to prevent escape. The officers in charge of this public institution desire special mention.

Our attention has been called to the manner in which the law for working prisoners outside of the jail is being executed. Only one man, to wit, Mr. J. C. Gilmore, is allowed to have the prisoners, and he on a single bond for $1,000. We do not consider this in accordance either with the letter or spirit of the law, and it deserves attention forthwith from the proper authorities, who are understood to be the board of supervisors.

We believe the bonds of county officers, as a general fact, with some exceptions, to be insufficient. The terms of the present officials is now so near out that we presume nothing will be done, but regret that the admonitions of former grand juries in this respect have not been heeded.

Our examination shows that both on bonds of county officers and of persons required to give bond for appearance at court, there are so few names as sureties on so many bonds, we are compelled to say that we have some professional bondsmen in the county. We have ascertained that in some instances flagrant perjury has been committed by sureties, and we have endeavored to apply the corrective without any regard to race, color, party, or social standing.

It affords the grand jury great pleasure to testify, on the part of the people of this county, to the high appreciation they have of the manner in which the duties of your honor's high office have been performed. That you have executed the criminal laws with vigor and effect is evidenced by the notable decrease of crime. The high esteem in which your honor is

held personally by all classes of men in Noxubee county is a sufficient guarantee of the confidence and good-will of the people. The judicial accuracy, the honesty, the freedom from partisanship, the firmness and courtesy of your honor, will always be gratefully remembered by the people, and insure their lasting respect and confidence in the court. As the present term of office of your honor will expire in a few months, and a successor will be appointed before another term of this court in Noxubee County, we earnestly hope that your honor will be re-appointed to your present high position, and feel confident such will be the voice of the people of our county.

It also affords further pleasure to extend to Maj. H. B. Whitfield, the district-attorney, our kindest thanks for the polite and able counsel he has given to us, and the prompt and able manner in which he has discharged his arduous duties in waiting upon the grand jury and prosecuting criminals and ferreting out crimes and misdemeanors.

In conclusion of the whole matter, we make special mention of the prompt, careful, and polite discharge of duty by our leading bailiff, Mr. Sam. A. Tarrant. In the discharge of his arduous duties he has rendered us distinguished services, and, in closing our labors, we part with him with regret.

Respectfully submitted.

THOS. M. SARGENT,
Foreman of the Grand Jury.
W. W. DOSS.
ALEX. JEFFRIES.
D. H. THOMAS.
J. D. HODGES.
W. N. HAYNES.
W. B. SHUMAKER.
HUBBARD MAY.
PETER BEASLY.
NICK COATS.
CHARLES LOVELESS.
SAM. COLEMAN.
GEORGE AMES.
FELIX CLAY.
S. S. FIELDS.
T. M. H. DANTZLER.
BRISTOW SMITH.

Q. Was there any objection made to the administration of affairs in the county by any of the other officers—any charges?—A. The county treasurer was found to have paid twelve or fifteen hundred dollars for which he had no authority and he refunded the amount after having it pointed out to him, and all the members of the board of supervisors had drawn amounts in excess of their legal amount.

Mr. PEASE. This was rumor and not of the witness's own knowledge?

Q. (By Mr. MONEY.) State facts and not rumors.—A. As to the formation of the grand jury that was rumor.

Q. That was rumor; now state what you know of your own personal knowledge.—A. Yes, sir; the members of the board of supervisors also refunded the amount when their attention was called to it.

By Mr. PEASE:

Q. They did refund?—A. Yes, sir.

By Mr. MONEY:

Q. Did they refund of their own motion or was the demand made on them by the Tax-payers' Union?—A. They refunded of their own motion; at least there was no demand made upon them. I may also state that, notwithstanding a large amount of taxes was collected, the warrants were at a very great discount; from fifty to sixty-five cents was the usual price. This embraced all classes of warrants, common-school fund and public-school-fund warrants as well as general county warrants.

Q. Do you know what the State warrants were worth at that time, in 1875?—A. Only from hearsay; I have no personal knowledge.

Q. Do you know what they are worth now?—A. At par.

Q. At par?—A. So I was informed by a letter from a man in the legislature, since coming here.

Q. How are your county warrants now?—A. Just before I left for Washington I called upon Judge Ames, county superintendent of public instruction, who has speculated largely in warrants, and perhaps he holds the largest proportion of county warrants now outstanding. I asked him what he would take for his warrants. He said he wanted par. After talking with him for some time he said to me that he would take ninety-nine cents, but would not sell them for any less.

By Mr. PEASE:

Q. These are the county warrants?—A. Yes, sir.

By Mr. MONEY:

Q. That is the difference made in one year?—A. Since the 1st of January, 1876.

Q. Since the democrats came into power?—A. Yes, sir.

Q. Has that tax been increased or diminished since the democrats have had charge?—A. The State tax was decreased from nine and a half to six and a half mills.

Q. The State tax?—A. Yes, sir. The county tax from ten and three-quarters to ten. When the democratic party came in they had to pay approximating twenty-five thousand dollars to pay off. It was rendered necessary that they should go to the extreme limit in making a levy for county purposes.

Q. How was that debt incurred?—A. Chiefly on account of the school-fund; and upon those issues I have mentioned our canvass was made chiefly in Noxubee County.

Q. What did that split amount to in the republican party on the congressional ticket and the county ticket? What effect did it have on the result?—A. My impression is that it weakened the republican party. That is my impression. I am satisfied that it encouraged the democrats to make an effort to succeed; they got so good an opportunity to defeat both wings of the party.

By Mr. PEASE:

Q. You state that as your opinion?—A. Yes, my opinion.

By Mr. MONEY:

Q. Is there anything else about that campaign of 1875?—A. It might be proper to say I canvassed the county; I went over the county during the canvass and was present at most of the political meetings.

Q. Did you ever read a letter addressed by George E. Harris, attorney-general of the State of Mississippi, to the President of the United States defining the causes that led to that result?—A. I have; at least a communication published in the papers; and it has never been denied.

Q. Let us see that. I will put that in evidence.—A. There is the letter, [handing.] I do not know the attorney-general; he is a republican, however, as far as I know; and he has the confidence and respect of all classes of people.

(The document is as follows:)

ATTORNEY-GENERAL'S OFFICE,
Jackson, Miss, November 24, 1875.

To his Excellency U. S. Grant, President of the United States:

SIR: Mississippi, with a republican majority two years ago of 24,000, has just gone democratic by an overwhelming majority, say 30,000. This was no less astonishing to the democracy than it was sad to the republicans; and inasmuch as many have undertoken to

account for our defeat, and contradictory statements have been made as to the real cause, I think it proper to write and give you a plain and unvarnished statement of affairs here; and while it is painful to give the whole truth, yet it will in some degree relieve me, as legal adviser, from the responsibility of many of the fatal blunders of the present State administration, and at the same time give the real causes of our defeat. Governor Ames was inaugurated in January, 1874, under the most favorable auspices. His address promised economy and reform, and was well received by the whole country. Even our political opponents, in a state of disruption, many of them having voted for him, expressed a willingness to support him in all that he had promised and advised. But instead of encouraging every indication of returning friendship, his cold indifference drove them at once into a direct antagonism. He seemed to contract his views and narrow his circle of friends to a few confidential advisers, as it were, a close corporation of mercenary men, who knew but little of the wants of the people of the State and cared less; men who have no identity of interest or sympathy in common with the people of the State.

And to deal plain, I must call names—A. R. Howe, and a few lesser lights, if possible; Raymond, the State printer and chief clerk in the treasurer's office, lobbyist around the legislature, especially on the printing bills, which pay him nearly $80,000 per annum, when $30,000 would be too much. He leaves his printing-office in the hands of another, it is said, at a salary of $1,800 in currency, and takes a clerkship in the office of the State treasurer at $1,500 in State warrants, worth 75 or 80 cents on the dollar. This he could well afford, because he handled the funds of the State, and if he cashed his own warrants, he makes nearly $20,000 per annum on that, and there was nothing to prevent it, except his own honesty. There has been much complaint of this, yet it is persisted in to this day. But the treasurer's office is to change hands, since the special election to fill the vacancy, and his office as State printer is about to expire, and now he wants to be postmaster at Vicksburgh. I regret to add that he is so degraded that the charge of corruption and bribery is no offense to him, and it comes from various sources.

Morgan, who is sheriff of Yazoo County, has long been a refugee from his county, chairman of the late State convention, and husband of a very respectable colored woman; who, when State senator, offered in writing to sell his vote for $2,000, and Raymond refused to pay it, saying that he had already paid him $900, and that was enough for that vote.

A. R. Howe, ex-county treasurer and ex-member of Congress, who took from the treasury of Panola County, through an ignorant colored board of supervisors, and now unlawfully retains, the sum of $5,125.97, (I have a certified transcript of the record,) and which he does not deny, but refuses to pay. This, in brief, is a small part of the record of three of the governor's confidential advisers, friends, and counselors, and he must have known their character all the while.

TAMPERING WITH THE BENCH.

Through these and other friends he had very full control of the legislature, and could prefer almost any legislation that looked at all plausible, either for the good of the State, the good of the party, or for self-aggrandizement, and the sequel has shown how he used that power. The first session of the legislature passed with but little or no reform, and we felt sad. Under the constitution and the laws of the State he was required to appoint twenty chancellors, with the advice and consent of the senate. This, of course, should have been done during the session of the senate; but, for some reason best known to himself, he refused to do it, but waited until the adjournment, and then made the appointments in vacation, and this was set aside by the supreme court, (see Brady *vs.* Howe, 50 Miss. Report, p. 607,) the court holding that the appointments should have been made during the session of the senate. It was manifestly his duty to make the appointments during the session of the senate, and to have sent them in for confirmation, as the terms of office expired long before the next session. But the governor, in his desire to control the judiciary as well as the executive department of the State, resorted to the expedient of making the appointments in vacation and then holding the appointments over them in terror until the next session of the legislature, and if they did not please him in their decrees, &c., he would withhold their names, (as he did in one case,) thus making the judiciary of the State subservient to the executive in violation of the constitution, (see Article III, sections 1 and 2,) and he actually removed Chancellor Drenam, as I believe, because in a case of habeas corpus he refused bail to the governor's friend, Morgan, on charge of the murder of Hillard.

In his selection of men to fill these important judicial positions, he did not confine himself to the legal profession. He made some good appointments, it is true, but in two or three instances he appointed men who had received a law license only a few days since for the purpose of being appointed, who had never had a case in court, totally ignorant of the law or practice, who did not know a plea in bar from a demurrer; in one case a man notoriously venal and corrupt, and in another case for the avowed purpose of giving strength to his friend Howe for Congress; and that chancellor, to secure the sending in of his name for confirmation, appointed Howe's brother clerk of the chancery court and clerk of the board of supervisors of Panola County, for the express purpose of preventing an investigation of Howe's indebtedness to Panola County. In one case he appointed a Mr. Peyton, son of the

chief-justice, and then refused to send his name to the senate because he decided a case contrary to the governor's wishes. Pending the trial of this case, he sent for the chief-justice and desired him to control the action of his son the chancellor. This aroused the honest indignation of the chief-justice and broke up the friendly relations between them. The chief-justice then dealt him a well-merited castigation which resulted in the withholding of the name of young Mr. Peyton from the senate.

BLOODY BLUNDER AT VICKSBURGH.

In December, 1874, troubles grew up in Vicksburgh. Indictments were pending against two or three of the county officers. Complaints were made as to the sheriff's bond as tax-collector. He was ill-treated and forced to resign. There was much confusion and anarchy. The sheriff fled to Jackson for advice and instructions, disregarding his resignation under duress. I do not know all the advice the governor gave him, but the presumption is that he received advice, as he returned and acted. He notified the colored people by circulars to come to Vicksburgh armed on Monday morning, which they attempted to do, and nearly one hundred lives were lost in the fight. How far the governor is responsible for these lives, or whether responsible at all, I cannot say, but Colonel Wells has charged him in the papers with the use of language well calculated in its nature to produce riot and bloodshed, and he has never denied it and I do not think he will. Since that time he has never conferred or advised with me about anything or matter whatever, being by law his legal adviser. I speak of this to say that I am not responsible before the country for any of his blunders.

REFORM TRAMPLED UNDER FOOT.

In January, 1875, the legislature met, (after a short extra session in December, 1874,) and then the friends of economy and reform were hopeful of some legislation that would give relief to the people and give to the party a record that could be defended before the country. The taxes were too high, especially as the property was in the main unproductive, and relief was asked for by the whole people. A few of us were in earnest in our entreaties for good and honest State government; so much so, that on the 10th of February last I wrote an open letter to the Hon. A. Warner, a prominent republican State senator, which was published, and in which I gave him what I regarded as the duty of the party in the legislature. The lower house indorsed my letter by resolution and promised to act upon its suggestion. It advised a liberal and honest policy; pointed out the danger of defeat if we pursued the course of other Southern States, and predicted the result that has ensued; begged the party to redeem its pledges, if it would protract its lease of power; declared that if it violated its pledges it deserved to be defeated; using every argument in my power to induce the proper action on the part of the legislature—pointing out the means by which expenses could be cut off and the taxes reduced.

I advised a reduction in the matter of public printing. The legislature passed a bill and the governor vetoed it. (Raymond was State printer.) I advised a reduction in the salary of county superintendents of public education. The legislature passed the bill and the governor vetoed it. I advised a change in the constitution, so as to give us biennial sessions of the legislature. (This would save nearly $100,000 per annum.) We had pledged it in our message. The resolution passed the lower house and went to the senate. There the governor actually lobbied the senate and advised his friends to vote against it, and defeated it by one vote.

On the contrary, in his aspirations for the United States Senate, it seemed necessary to strengthen his hands by giving him more patronage and power. At this time, it may be well to note, that quite a number of the legislators, having no interest or connection with or in the State, were out of employment, except during the session, and set about to create new offices and did create the office of "revenue agent," whose duty it was to hunt up frauds, defalcation, &c., and receive half the sums collected as his pay, and the governor appointed to this office five members of the legislature, in open violation of the express provision of the constitution. They having created the offices could not hold them by appointment. (See Constitution, Art. IV, sec. 38.) This gave lucrative employment for his friends, while they could work for him for the United States Senate, and I believe that was generally a condition-precedent to his appointments. Again, in the face of the constitution, his adherents introduced a bill authorizing him to appoint the tax-collector for each county. They passed it after much caucusing, in which pistols (I am informed by a member) were presented to force members to pledge their support to the bill. The governor approved it, and acted under it in one or two cases, and the supreme court has set that law aside as unconstitutional. (See L. French *vs.* The State of Mississippi, opinion.)

Thus it will be seen that the party in this State has been governed and controlled by a few men, not to exceed a half dozen, including the governor, who have persistently violated the constitution, and the most sacred pledges that the party had made in its platform. Then, in two instances, he approved two bills on the same day which contradicted each other; and this, with a few other unpardonable blunders, caused the calling of an extra session of the legislature in July last, without any extraordinary occasion, thus giving three sessions in eight months, instead of one in two years as we had promised.

AMES'S PARTY BLUNDERS.

Then came the canvass for the November election of 1875. The State convention was held, with Morgan as chairman. It not only failed, but positively refused to indorse the national administration, Senator Pease insisting on it; but before the delegation started to Washington to ask for the removal of several of the Government officers they called a central executive committee together, and they indorsed your administration, and added it as section 20, and then started to the capital to ask the removal of Senator Pease, Judge Stearns, and Captain Lake, to make room for some of their friends.

I presume that the reasons of the refusal to indorse the national administration were these: The governor had proclaimed that he had "been snubbed" by the administration at Washington. The governor had commenced his fight on Senator Pease, doubtless because he thought Pease would be in his way for the United States Senate. He and Howe fought Colonel Wells, because they thought Wells would be in Howe's way for re-election to Congress, and it seems now that he was. You will perceive that there is some difference of opinion among republicans here as to what is true and genuine republicanism: the adherents of the State administration, who have pursued a suicidal policy, on the one hand, and on the other, those of us who advocate and defend the national administration, and insist upon honest and economical State government.

As a further evidence of the effect produced by their course of conduct in the recent canvass, there was not a man in the State who would so stultify himself as to undertake to defend the record made by the party in the last two years; and we were under the necessity of discussing men instead of measures, and no one could meet the democrats in joint discussion as formerly. Senator Pease, General McKee, Judge Stearns, and myself made a few speeches for Wells against Howe, the friend of Ames, and for this offense we were called democrats by Howe and others. That was a falsehood too infamous to require contradiction. Now, I think the real cause of our defeat is obvious. The democrats, at all times ready to use any and all means, fair or foul, to succeed, seized upon this as a favorable time, when our record could not be defended, to produce terror and to intimidate the colored voters, which they did. Whether there was real danger or not, the colored people believed it, and many thousands of them either remained at home or voted the democratic ticket; and hence the peaceable and quiet election, and our defeat.

Another cause: The governor, a short time before the election, commenced organizing the State militia. This led the colored people to believe that there was real danger, and that Ames was their best friend and that he would protect them. But, a few days before the election, there came among us a strange man, (I think they called him Colonel Chase—I never met him,) who took charge of the peace department, as it was called, and made a compromise with the democracy, and Governor Ames disbanded his militia. And now, his record having driven almost every white man from the party, the colored men had no moral support, and they despaired of success, and the party was an easy prey to the political enemy. But while they thought they had protection they had nominated in some of the counties tickets that would disgrace Mexico or Santo Domingo, and this, too, served to exasperate the democracy, and thus it is seen that our defeat was caused by the democrats taking advantage of the shameful imbecility and base corruption of our State administration and a few adherents.

As to the complaints against Senator Pease, the head and front of his offending is his bold and fearless manner of defending the national administration in the course you have taken in Mississippi affairs, and his fair exposure of corruption in the State.

Colonel Wells is called a democrat by the wreckers because he beat Howe for Congress, and had the temerity to speak the truth concerning affairs here. He was the regular republican nominee for Congress. Howe was the issue of a bogus and bolting convention. The democracy had no candidate; they preferred Wells to Howe, and voted for him, and so he received the support of all of both parties, and hence a large majority. He is a true republican and a stanch supporter of the national administration, as I am sure his course in Congress will prove, and this I regard as a good test of a true republican. As a theory in government, I would say we will generally find good people to uphold a good government, or to resist a bad one.

MISSISSIPPI'S NEEDS.

It is easy to enforce a good government, because we will have willing people; but it will be difficult to enforce a bad government, because we will have an unwilling people. A constitution and laws are of little value on paper, unless they find a lodgement in the hearts of the people. We have a good constitution, but our legislation has been unwise and has given us much trouble. And this is the point to which we have come; in the light of the experience of other Southern States, our party has rushed heedlessly into a shameful defeat. We should have known as well before as since the election that the democrats were unscrupulous in a contest, and would have resorted to every stratagem, and therefore we warned our friends of the importance of abundant caution.

We want to carry this State next year in the presidential election. We cannot do it as we now stand. We must have honest men in the front. Those who have scuttled the ship of state must take back seats. We must have men on whose promises the people can

rely; men who will give character and moral support to the party: otherwise the white people will never again rally to us; we will be again defeated, and the architects of our ruin will leave the State as rats leave a sinking ship. I believe we can carry the State next year by proper management and an honest course. Thousands are against us now who fear to trust the democracy, and will go with us under favorable auspices; and if our State administration had pursued the proper course for the last two years, the democrats could never have beaten us. I know the people of the State, having resided among them for twenty-three years. The Government appointees here, we think, are good men and true republicans. We need no changes made for political purposes, and no troops. Leave the management of these matters to your real friends. I am sure that affairs here have been misrepresented to you by designing men for their selfish ends. I think I can take a fair and impartial view of the situation, having no aspirations for place or position, but have the temerity to speak the plain, unvarnished truth in these matters.

This letter, though of some length, has been but a bare outline of the character and conduct of a few would-be leaders who have wrought our sad defeat, and should they choose to deny anything I have said of them, I will not only prove it, but strike them at other points equally as salient.

Your obedient servant,

G. E. HARRIS.

Q. Have you seen a letter addressed by the Rev. Dr. Revels, late United States Senator from Mississippi, to the President on the same subject?—A. Yes, sir; it was published in the papers, and also in the testimony taken by the Boutwell committee.

Q. It is in that?—A. Yes, sir.

Q. Then we will call for that.

——[The document is as follows:

HOLLY SPRINGS, MISS.,
November 6, 1875.

To his Excellency U. S. GRANT,
President of the United States:

MY DEAR SIR: In view of the results of the recent election in our State, I have determined to write you a letter canvassing the situation and giving you my views thereon. I will premise by saying that I am no polititian, though having been honored by a seat in the United States Senate. I never have sought political preferment, nor do I ask it now, but am engaged in my calling—the ministry; and feeling an earnest desire for the welfare of all the people, irrespective of race or color, I have deemed it advisable to submit to you for consideration a few thoughts in regard to the political situation in this State.

Since reconstruction, the masses of my people have been, as it were, enslaved in mind by unprincipled adventurers, who, caring for country, were willing to stoop to anything, no matter how infamous, to secure power to themselves and perpetuate it. My people are naturally republicans and always will be; but as they grow older in freedom so do they in wisdom. A great portion of them have learned that they were being used as mere tools, and, as in the late election, not being able to correct the existing evil among themselves, they determined, by casting their ballots against these unprincipled adventurers, to overthrow them; and now that they have succeeded in defeating these unprincipled adventurers, they are organizing for a republican victory in 1876; that we will be successful there cannot be a doubt. There are many good white republicans in the State who will unite with us, and who have aided us in establishing ourselves as a people. In almost every instance these men who have aided us have been cried down by the so-called republican officials in power in the State. My people have been told by these schemers, when men were placed upon the ticket who were notoriously corrupt and dishonest, that they must vote for them; that the salvation of the party depended upon it; that the man who scratched a ticket was not a republican. This is only one of the many means these unprincipled demagogues have devised to perpetuate the intellectual bondage of my people. To defeat this policy, at the late election men irrespective of race, color, or party affiliation, united and voted together against men known to be incompetent and dishonest. I cannot recognize, nor do the masses of my people who read, recognize the majority of the officials who have been in power for the past two years as republicans. We do not believe that republicanism means corruption, theft, and embezzlement. These three offenses have been prevalent among a great portion of our office-holders; to them must be attributed the defeat of the republican party in the State, if defeat there was; but I, with all the lights before me, look upon it as an uprising of the people, the whole people, to crush out corrupt rings and men from power. Mississippi is to-day as much republican as it ever was, and in November, 1876, we will roll up a rousing majority for the republican candidate for President, whoever he may be. The great masses of the white people have abandoned their hostility to the General Government and republican principles, and to-day accept as a fact that all men are born free and equal, and I be-

lieve are ready to guarantee to my people every right and privilege guaranteed to an American citizen. The bitterness and hate created by the late civil strife has, in my opinion, been obliterated in this State, except, perhaps, in some localities, and would have long since been entirely obliterated were it not for some unprincipled men, who would keep alive the bitterness of the past and inculcate a hatred between the races, in order that they may aggrandize themselves by office and its emoluments to control my people, the effect of which is to degrade them. As an evidence that party-lines in this State have been obliterated, men were supported without regard to their party affiliations, their birth, or their color, by those who heretofore have acted with the democratic party, by this course giving an evidence of their sincerity that they have abandoned the political issues of the past, and were only desirous of inaugurating an honest State government and restoring a mutual confidence between the races. I give you my opinion; that had our State administration adhered to republican principles and stood by the platform upon which it was elected, the State to-day would have been on the highway of prosperity. Peace would have prevailed within her borders, and the republican party would have embraced within its folds thousands of the best and purest citizens of which Mississippi can boast, and the election just passed would have been a republican victory of not less than eighty to a hundred thousand majority; but the dishonest course which has been pursued has forced into silence and retirement nearly all the leading republicans who organized and have heretofore led the party to victory. A few who have been bold enough to stand by republican principles and condemn dishonesty, corruption, and incompetency, have been supported and elected by overwhelming majorities. If the State administration had adhered to republican principles, advanced patriotic measures, appointed only honest and competent men to office, and sought to restore confidence between the races, bloodshed would have been unknown, peace would have prevailed, Federal interference been unthought of; harmony, friendship, and mutual confidence would have taken the place of the bayonet.

In conclusion, let me say to you, and through you to the great republican party of the North, that I deemed it my duty, in behalf of my people, that I present these facts, in order that they and the white people (their former owners) should not suffer the misrepresentations which certain demagogues seemed desirous of encouraging.

Respectfully,

H. R. REVELS.]

Q. You spoke awhile ago of the remonstrances of the tax-payers' union; that they pointed out some overcharges and over-allowances or something of that sort. Do you know of a meeting of tax-payers and a memorial to the legislature by them praying for a reduction of taxes?—A. I have been so informed.

Q. Do you recollect a letter written by General George McKee?—A. Yes; a Member of Congress. I saw a letter reported to be from General McKee.

Q. Have you got that letter? We will put it in.—A. General McKee stated in substance that the remonstrance of the tax-payers' union was entitled to consideration, and that the reforms they suggested were wise and could be made without detriment to the public service. There was no danger of cutting too deep in that direction. That is my recollection of the substance of his letter.

Q. The letter did him credit, you think?—A. I thought so.

The following is the petition and appeal of the tax-payers to the legislature:

Hon. George L. Potter submitted the report of the committee on resolutions, which, on motion of Colonel Walter, was unanimously adopted.

To the legislature of Mississippi:

The tax-payers of Mississippi, assembled by delegates in convention, respectfully show:

That by reason of the general poverty of the people, and the greatly depressed values of all property, and especially of our great staple, the present rate of taxation is an intolerable burden and much beyond their ability to pay.

To say nothing of the very large expenditures for common schools, the present rates of public expenditure greatly exceed the amounts deemed sufficient in former days of abounding wealth.

To-day, the masses of our people are very poor, and they naturally feel, as they may well demand, that all public expenditures should be greatly reduced, and limited by the strictest rules of economy to the plain republican system made necessary by their impoverished condition.

It was hoped by many that a period of great prosperity would follow the re-organization of the State, and provision was accordingly made for a costly government; but that hope has given place to despair. Every day the people have grown poorer; lands have diminished in value; wages have grown less, and all industries have become more and more paralyzed. It is daily harder and harder for the people even to live; and many hearts are saddened to-day, burdened with dread, lest the little home, only shelter for wife and children, shall be sold away by the tax-gatherer.

These terrible truths show that the present rate of exorbitant expenditures must cease, or the means of the people to pay will soon be utterly exhausted, and their government will be disorganized. A wise statesman will be careful to consider the wants of the people, and studious to devise, and prompt to apply, needful remedies, and this is what we respectfully ask from the representatives of the people. We are satisfied that public expenditures can be very largely reduced without impairing the efficiency of the public service.

It should not be forgotten that the southern people, in their poverty, have now to bear many burdens, unknown here in former times. The public debt of the United States is enormous, and we all contribute, indirectly it may be, to pay the increased Federal expenditures. We may never see the tax-gatherer, but we pay the taxes; they make part of the price of the goods we buy. In addition to this, we have the large expense of our common-school system. These large items may doubtless be greatly diminished by a wise economy, and the people may bear them, thus limited, as necessary burdens; but the fact that with strict economy such burdens may continue to be great, is a strong reason for rigid economy of administration wherever it is possible

It must be remembered that the people of Mississippi suffer not only from the enormous burdens of needless State expenditure, but also from gross waste and extravagance of boards of supervisors; added to these are the heavy local burdens that fall upon the inhabitants of cities and towns and the unhappy people of the levee districts.

In September last, Senator Sherman said to the people of Ohio:

"The first requisite of a party to administer the government now is economy—the most difficult to practice, especially after a period of great expenditure. What we most need is a very large reduction in local taxes, and, still more, a very great limitation of the power of local taxation. Now innumerable local authorities, counties, towns, cities, &c., have authority to levy taxes until this amounts, in many cases, to confiscation. * * * * * Upon this question of local taxation, we ought to have no party, or soon incomes will be absorbed by taxes."

Apt words these, and wise, even when addressed to the people of rich and prosperous Ohio! With what added force do they apply to us who suffer under greater local burdens, with the additional weight of enormous State expenditures!

To show the extraordinary and rapid increase of taxation imposed on this impoverished people, we will cite these particulars, viz:

In 1869, the State levy was 10 cents on the hundred dollars of assessed value of lands.

For the year 1871 it was four times as great. For 1872 it was eight and a half times as great. For the year 1873 it was twelve and a half times as great. For the year 1874 it was fourteen times as great as it was in 1869. The tax levy of 1874 was the largest State tax ever levied in Mississippi, and to-day the people are poorer than ever before.

It is true that now, because of diminished property and depressed values, the percentage of taxation must be increased to the amount of revenue levied in former times; but what we complain of is, that the aggregate amount of taxes levied on us, in our poverty, greatly exceeds the amount levied in prosperous days. The enormity of this great increase in the percentage, will become more plain if we consider the fact that our present assessments very greatly exceed the market values of the property assessed.

Thus as the people become poorer are their tax burdens increased!

In many cases the increase in the county levies, in the same period, has been still greater.

But this is not all. A careful estimate shows that during those years of increasing and most extravagant tax levies, the public debt was increased on an average annually over $664,000—a sum of itself sufficient to defray the entire expenses of the government, economically administered. That is, the State spent on an average this large sum each year, over and above the amount collected on those monstrous tax levies! What may be the excess for the year 1874 is not revealed. All that we know is, that many of the very large appropriations for the year were some time since exhausted.

The like extraordinary results have followed the operations of the boards of supervisors, at least in many of the counties. Whether these facts prove a lack of economy in administration, or are to be regarded as sad proofs of the rapid exhaustion of the means of the people, and their consequent inability to pay, they are painful to contemplate.

This excessive rate of expenditure would constrain even a prosperous people to cry aloud for retrenchment and reform. It is corrupting in effect, and altogether evil in its results. But if none of these things existed we should be constrained by still other facts to make this appeal to your honorable body. The present year has been most disastrous to all engaged in agriculture, and consequently to all other pursuits. If all the crops raised in the State this year were sold at present market-value, the proceeds of the sales thereof would not, as many estimate, pay the cost of production and the taxes. In many counties the result was

still more disastrous, the crops being an almost total failure. It is a sad truth that in some parts of the State many of our people are beginning to suffer for want of food, and very many are restricted in their poverty to a very few of the necessaries of life. These afflictions fall heaviest at present on the very large class of our poor citizens, but all classes suffer more or less from this common calamity, and the year of their probation of want and suffering is but just begun.

Presented in these several views of the sad condition of the people of Mississippi, our present appeal amounts to this: shall the few officials, the mere servants of the people, be permitted to fatten and grow richer whilst the people grow poorer and starve? Shall these public servants be privileged to enjoy an extravagant waste of the money of the people to the destruction of the property of the State, or will the legislature interpose immediately, and by a vigorous system of wise reform enforce rigid economy of expenditure in all departments of the government, legislative, executive, and judicial, and in counties, cities, towns, and districts? Let all superfluities be abolished. Let every supernumerary be discharged. Let every dollar, as far as possible, be saved to the suffering people. For the present, and until the State has become rich and prosperous, let all salaries and public expenditures be graded, not according to the merits and capacities of officials, but be reduced and graded to the lowest possible scale compatible with the efficiency of most rigid economy of administering suited to the extreme poverty of the people.

Throughout the whole State the outcry against this oppression of excessive taxation and still greater waste of expenditure becomes louder and deeper every day, and it comes increasing in volume and significant emphasis of tone and expression from citizens of all classes and conditions All fear the approaching ruin and all suffer from its common oppression, the difference being only in degree.

With regard to possibilities for retrenchment and reform, we quote and commend to the careful consideration of all the official opinion of Governor Ames, as follows: "There are opportunities for curtailment in every branch of the government." (Message on Finance, session '74, page 3.)

We ask the earnest attention of your honorable body to the following particulars, in which, by proper legislation, very large sums may be saved:

The public printing, by the grossness of its excess, amounts to public robbery. We submit that such is the practical result, whatever may be the motive on which the extraordinary system is tolerated. Let examples be cited in evidence.

For the five years next preceding the 1st of January, 1861, the average cost of printing for the State did not exceed $8,000 per annum.

For the five years commencing with the fiscal year 1870 the average cost of the printing for the State has exceeded $73,000 each year, being an average excess each year on the former of $65,000.

This enormous increase in the cost of public printing cannot be attributed to increased expense of performing the public work, nor to the large increase in the number of our citizens, for the like conditions exist in Mississippi and Georgia; and yet the recent report of the comptroller-general of Georgia shows that the average cost of the public printing in that State for the years 1872 and 1873 did not exceed $10,000. Mark the contrast according to the above average. The cost of the public printing for impoverished Mississippi for those two years was over eight times greater than the cost of the same work done in the same year for the State of Georgia!

The journals of the two houses of our legislature contain a vast amount of matter utterly worthless to the public, and their enormous bulk, with supplements added, might well cause the inquiry, why were they gotten up in that bulky form if not to swell the profits of the public printer? We cite for the contrast two examples, and one may verify the figures in our State library. In the year 1856 the journals of the two houses contained together 1,163 pages. In the year 1873 the journals contain together 6,393 pages; that is, more than five times the number of pages contained in those two journals for the year 1856. Those journals contain in full every little report that a certain bill do pass, and thus they are swelled with a mass of useless matter. Doubtless the enormous difference in the cost for public printing in Mississippi and Georgia arises from the fact that our journals are thus bloated with useless matter, and also that official reports are printed and charged for more than once, and in part because of exorbitant rates allowed to our State printer.

The remedy for these gross abuses and waste of expenditure is plain. Let the journals be greatly reduced in bulk, so as to contain no matter not useful to the public in a legislative journal. Require the official reports to be so reduced in bulk as to contain only essential matters, and those to be stated in briefest intelligible terms. Diminish both numbers and quantities. Let no documents be printed and paid for more than once, and reduce to moderate rates the prices for public printing. Apply like rules of economy and justice to the people to the public printing of counties, cities, and towns.

In this connection it is proper to call special attention to the district printing bill, which was publicly advocated upon the plea, most extraordinary in a free government, that it is both just and proper to tax the general public to sustain party newspapers. In case of public sales, and in many others, the chief value of a newspaper publication consists in the fact that it gives notice to the people of the particular county in which the sale, &c., is to be made. It seems a mere mockery, under a pretense of fairness, to advertise the property of the citizen for sale under execution or for taxes in a distant part of the judicial district, and

at a point remote from the county in which the sale is to be made. The same is true of many other notices required to be published. In very many cases of publication required to be made under the law the seeming notice can be of no possible use, and yet the poor citizen is taxed with the costs of such useless publication.

The number of circuit judges and chancellors is far greater than the needs of the public service require.

Before the present constitution went into effect there were but ten circuit judges in the State, who not only discharged all the duties imposed on the thirteen circuit judges now provided for, but also performed nearly all the duties now imposed on twenty chancellors; and there was no complaint that their number was insufficient. By the present system (and we believe in that respect it is a good one) most of the business formerly done by the probate judges is now transacted by the chancery clerks. The chancellors are almost exclusively occupied in what is strictly chancery or equity business, which, as before stated, was formerly within the jurisdiction of the circuit judges. The litigation in the circuit and chancery courts is now far less in amount and value than it was when we had only ten circuit judges. The constitutional amendment by which the jurisdiction of justices of the peace has been made to include all civil cases not exceeding in amount $150, and the poverty of our people by which business transactions are very much limited in value, have taken away at least one-third of the civil business of the circuit chancery courts.

The expenses of the legislative department have grown recently into enormous proportions. The sessions are now annual, and have been greatly prolonged, and there has been a great, and, as we respectfully insist, an unnecessary, increase in the number of its employes, clerks, door-keepers, sergeant-at-arms, porters, and pages. Formerly all the clerical force needed was furnished to the house of representatives at $1,500 and to the senate at $1,200 for a session.

We do not wish to be understood as stating that the services of the members of your honorable body are not worth all that is now charged, viz, $500 per annum. There is no price within our means to pay which could possibly be too high for the inestimable blessing of an intelligent, working, and earnest body of men, who consecrate their lives and devote their talents to the study of political economy and those arts which make a people great, prosperous, and happy, and who bring to the great work of enacting laws for the State the rich results of a ripe and varied experience in court affairs. But, in our present impoverished condition, we respectfully but earnestly represent that retrenchment in all parts of the administration is absolutely necessary; and we cannot doubt that the members of your body will initiate this reform by fixing their salaries at the sum paid before the war, which amounted generally to about $250 for two years, there being but one session in that time. This sum would be greater than is realized on the average by citizens in private life, and greater also than the average paid members of the legislature by the other States in the Union.

The governor's salary might be, without detriment to the public service, fixed at $4,000 per annum, which is far larger than is paid by other States in the Union having no more wealth than Mississippi.

The lieutenant-governor's salary might also be fixed at the price usually paid to the presiding officer of the senate, viz, double the salary of a senator.

The salaries of the treasurer, secretary of state, auditor, and attorney-general we ask may be fixed as they were under the code of 1857, and the clerks and assistants allowed these officers reduced to the number and compensation with the salaries fixed by that code; and the salary and expenditures of the State superintendent of education should be reduced to a very moderate sum. His office should be a room in the capitol.

And we respectfully ask that the salaries of all other State and district officers should be fixed at the rate paid before the war. The salaries then allowed were sufficient to procure the services of able and competent men, and we feel sure they will be sufficient now. The truth is that all private pursuits are so depressed and all official positions so highly remunerative that the difference begets a wide-spread greed for office, and encourages that bane of all free governments, the growth of a large class whose sole interests in the State consist in their reception of the emoluments of official position.

The cost of assessing and collecting the revenue of the State is out of all proportion to the necessary labor and responsibility required in the discharge of those duties. The gains to these officers are enormous. Under the code of 1857 the maximum which an assessor could receive in any one year was $500, and the commissions of the collector were graduated according to the amount collected, so that it rarely happened that a collector received as much as $1,000 per annum, and he seldom, if ever, received as much as $1,500 in one year. We respectfully ask that the compensation paid to these officers should be so regulated as in no case to exceed the sums above mentioned.

The compensation of the county treasurer should be fixed so as not to exceed in any instance the sum of $500 per annum. His duties are light and his responsibility will be small, if the county levies are restrained as are hereinafter asked for.

The fees of the chancery and circuit clerk and sheriff are too high, and, we are sorry to add, in many instances are very much increased by exorbitant and illegal charges. We ask that this subject be carefully looked into by the legislature, and the rates so fixed that, while a fair and just compensation is allowed for these services, the burdens of the suitor

shall not be so great as they now are; and we suggest that the State, like the United States, will fix a point in compensation of county officers beyond which the fees shall go into the State treasury.

In many counties this point might be fixed at $600, in others at $1,000 or $1,200, but in no instance should it be fixed beyond $2,000 for clerks and $2,500 for sheriff, including their gains as tax-collectors.

The jail-fees are a great burden on the people. They are now too high; and yet in many instances extra compensation is allowed by the board of supervisors. They should be fixed at the cost of a plain and healthy support of the prisoners. Imprisonment in the county jail as a punishment should be made less frequent. Unfortunately, many who are guilty of petty misdemeanors feel neither the burden nor the disgrace of imprisonment in the county jail. We leave it to the wisdom of the legislature to devise some other mode of punishment, which, without inflicting corporal pain or bringing forward any badge of slavery, may yet prove more efficacious in reforming offenders and be less expensive to the tax-payers.

The law also should require the convicts sentenced to the penitentiary to be immediately removed to the State prison. They are now, in many instances, left in the county jails for many months, to the great cost of the several counties. The jail-fees for a day should not exceed thirty cents.

The salaries of inspectors of the penitentiary ought to be saved to the State by imposing the very light duties of these officers on other State officers or on competent citizens without salaries.

The trustees of the insane, deaf and dumb and blind asylums should be prohibited from using any of the funds appropriated to these institutions in the way of salaries or fees to themselves.

The appropriations to the State universities are beyond the means of the State to pay and beyond the necessities of these institutions.

The salaries and mileage paid to the trustees of these institutions ought to be prohibited. The duties of these officers are extremely light and highly honorable. Like services of all other institutions of learning in the State and throughout the Union are rendered by the best citizens without compensation.

Again, the expenditure of the State's money—poor as the people are, and laboring under the most crushing taxation—for the board and support of certain students is wrong. The State is under no obligation to furnish these favored few with what is denied to the children of the State at large. The State supposes she discharges her duty to the great mass of her children when she furnishes schools free of tuition for four months in the year. These schools are for the people at large. The colleges and universities are for the more fortunate few. Not more than one in a thousand, even in the most favored countries, ever go to college. It is wrong that nine hundred and ninety-nine should be burdened with a taxation so crushing that they are deprived, in many instances, of the means of even going to a common school, in order that one fortunate person shall have extraordinary benefits denied to the others. We therefore ask that the scholarships in the two universities be abolished. These remarks apply also to the normal schools.

While we cordially indorse the wisdom of that policy which extends to the children of the State the advantages of a free common-school education, we respectfully submit that our present legislation in that respect is radically defective in theory, and in its practical workings is a great wrong rather than of benefit to her citizens. The present rate of taxation for purposes of education and the appropriations made for that purpose amounts to the enormous sum of $675,000 annually—greatly more than is necessary for carrying on the State government. We suggest that the mistake in this matter has been this: The attempt has been made on an impoverished State, with all its industrial pursuits in a deranged and constantly changing condition, and all of its property-values greatly depreciated, to suddenly inaugurate a complete system of common schools, fully adequate to the wants of the whole people of the State, and to extend this even to a collegiate education. While this would be well enough, perhaps, in a great, prosperous, and wealthy commonwealth, yet the attempt in our State in its present condition has been productive of such an enormous taxation as to bring ruin to the doors of the parent in the attempt to educate the child and to produce in the public mind a growing and annually increasing hostility to the policy of free education itself. We therefore respectfully suggest a thorough change of the law in this respect; that the present tax for educational purposes be greatly reduced; that free education be restricted simply to elementary grammar-schools; that the pay of county superintendents be reduced as herein recommended; and that the effort be directed to the gradual and economical building up of a common-school system which shall not, by its enormous exactions, excite the hostility of the citizen, but will rather attract to itself his support and affection.

The commissioner of immigration is an unnecessary office. His duties are nothing; his services of no value. We suggest that his salary might be abolished, or be made merely nominal, and all appropriations subject to his control be repealed.

The salaries of county superintendents of education might be saved by uniting that office, having such light duties, with that of sheriff, with an extra compensation of $50 per annum, except when the services of a competent citizen can be got for that sum.

The salaries of teachers in the common schools are far greater than is necessary to secure

the services of the persons employed. For second-class schools $25 per month would be ample, and for first-class $50.

On this subject we suggest that a constitutional amendment is necessary in order to give to the present common schools the benefits of fines, forfeitures, and licenses now required to be funded.

The sessions of the legislature should be biennial. It is within the power of the legislature to fix by law that it should meet only once in two years. This is the plain meaning of section 6, article 2, of the constitution. We ask, however, that biennial sessions be not left to the discretion of the legislature, but that the rule be adopted by constitutional amendment.

The constitution should also be amended so as to prohibit all special legislation. A great portion of the time of the legislature is now spent in making that kind of legislation, when the same end would be attainable by general laws.

One of the evils of the times is excessive legislation. Statutes are passed and then modified or repealed, in whole or in part, without due deliberation, and the result is that the statute laws of the State are becoming more and more intricate and confused at every succeeding session of the legislature. The laws should be plain and simple, so that the citizen may without danger or mistake conform his action to them.

There are many other abuses in the administration besides those we have referred to. We leave these to the wisdom and patriotism of the legislature to correct.

But probably the most flagrant evil of which the tax-payers complain, and the greatest outrages perpetrated on their rights, arise from the action of the boards of supervisors.

This court is really the most important of any in the State, and should be composed of the very best men in the several counties. As a general rule, we are sorry to say, the members of this board are wholly unfit to discharge their duties, and are without respectability or accountability. This, however, is not the fault of the legislature of the State, except in so far as it encourages such men to seek for that position. The county levies, in a large majority of the counties, are extravagant and oppressive beyond all endurance. The contracts for public work are made without economy or care, and with a reckless indifference to the interest of the public. These boards in some instances employ their own members to do the work not authorized by law, merely for the purpose of making them extravagant allowances. In many instances these members are wholly ignorant, and are completely under the control of the clerks and sheriffs of these counties, to whom they make extravagant allowances. This is a great evil, and we suggest that remedy which alone seems adequate. Legislation should be immediately enacted fixing the maximum rate of taxation at 50 per cent. on the State, beyond which they shall not go in any instance.

These boards should also be prohibited from making any contracts, or allowances, or appropriations, except when there is money in the treasury to pay them. And every such order or warrant so made and ordered, when there is not money in the treasury sufficient to pay it, should be declared utterly null and void, and all persons concurring in making or issuing them be declared guilty of a misdemeanor in office, and punishable for such, as provided by law.

There is another fruitful source of peculation and wrong in the power assumed by the board to allow for stationery, fuel, &c., to the county officers. Under this head large and unnecessary sums are allowed for ink, paper, envelopes, sealing-wax, gold pens, pencils, and printed blanks. The actual cost of these things is very little, and the actual wants of the officers very small as compared with the amounts furnished. It is the habit of these officers to furnish their friends and favorites with stationery at the public expense. The remedy for this is to return to the old rule, by which each officer was required to furnish his own stationery, wood, lights, &c., at his expense, except alone where bound volumes of record-books were required.

There remains another remedy to which we earnestly but respectfully call the attention of the legislature. It is confidently believed that either of the following would tend greatly to the character and responsibility of the boards of supervisors. To repeal all laws allowing the members thereof any compensation for their services. The services required of a competent and faithful board would not exceed ten days annually, and the work would be done within that time, if there were no inducements in the shape of a per diem to prolong its sessions. The service would not be more burdensome than the liability to work on the public roads and streets, and the members of the board might be exempted from the latter duty as well as from jury-service.

It is believed that if no compensation were allowed no citizen would seek the office, but that the people could find without difficulty a sufficient number of the very best men to discharge the highly honorable and responsible duties of members of the board of supervisors. But if this be deemed wrong, then we suggest that the compensation of the members of the board be reduced to twenty-five dollars per annum, and that each member be required to give bond and security in the penalty of two thousand dollars at least, by which he shall be bound to a faithful performance of the duties of his office, and in which he shall be liable for all illegal allowances for which he may have voted. And it shall be provided that in every instance where an allowance or appropriation of money is made the names of the members voting for and against should be recorded, and that such names voting for such appropriation be embraced in every warrant issued on such appropriation. And in case the

alternative of a salary is adopted, then it should be provided that no warrant for such salary should be issued in any case, except where there is money in the treasury sufficient to pay it after first paying all prior warrants ordered by the board.

The necessities of the people demand further time within which to pay their taxes for the year 1874. A delay of sixty or ninety days would afford great and needful relief; and if then the lands of delinquents have to be sold, the period of redemption should be two years and the damages 25 per cent. for each year.

We feel constrained to call your attention to the many thousand acres of land now held by the State under sales for taxes in arrears and unpaid. Practically these lands are a burden to the State and useless for all revenue purposes. Many of them were sold during the last war, and some in 1848. If the titles could be depended upon at all, it would be wise to husband the resources thus provided and await the developments of the future; but the tax-titles, we may fairly assume, are all worthless. The great object to be secured is to make these lands available for purposes of revenue, and we suggest that the owners or parties interested therein be allowed to redeem them on payment of the State tax for 1874; and if not redeemed by the 1st July next, that they may be sold to any one upon the same terms. Nor would we restrict any one as to the right to purchase, and would allow any man to buy any quantity he may desire. This policy would defeat the purpose of those who suffer their lands to be held by the State because of the invalidity of her tax-titles.

CONCLUSION.

In conclusion we beg to assure your honorable bodies that in thus exercising the sacred right of petition, we have not intended to cast any reflection upon this or former legislatures, nor have we been influenced by any motive of gaining a party advantage. The members of the convention which presents this petition belong to all parties. We regard the great interests of the State and her people, so much impoverished by the abuses we complain of, as too high and sacred to be made the subject of party contests.

Mississippi has a soil unequaled in fertility and in the variety of its products. Our climate is genial and healthy. Every element of high prosperity and of material and moral advancement exists. But notwithstanding all this, every business is depressed, the people discontented and paralyzed. We have the benumbing influence of despair and threatened ruin in lieu of the healthy and vigorous activity and energy of hopeful progress. And there yet remains the saddest truth of all. There is distrust and a want of mutual confidence between the different classes of our population and a deep and wide gulf separating the rulers and the ruled. The tax-payers do not desire this, and they now make this respectful petition and appeal to the legislature in the hope that that body may receive it in the spirit in which it is made, and that such action may result as will speedily put Mississippi on the high road to prosperity which shall bless all classes and conditions and extend to every section of the State.

The following is the extract from a letter from Geo. C. McKee:

"I would beg you to bear in mind that there is no fear of cutting too deep. The evil is too enormous. The petition and appeal of the Tax-Payers' Convention should be heeded. It is about the ablest paper I have seen in Mississippi for years. Of course I do not subscribe to each and every one of its sentiments. I do not suppose there was a single member of the convention who did. But in its general tenor it is correct, and I hope our legislators will not allow themselves to be scared off from what is right by any outcry of partisanship. Let not the action of the Tax-Payers' Convention of Jackson be identified with the action of the Tax-Payers' League at Vicksburgh. The "petition and appeal" are singularly and carefully non-partisan. Although I doubt not that a large majority of the members of that convention are working and plotting for the overthrow of the republican party, yet when the people meet as citizens and present to the people's legislature well-founded grievances, it is no answer to their complaints to say that most of the convention were democrats When a party governs for the party alone and not for the people, it has no business to govern at all.

"And this tax-paying is not so much a question of partisan feeling as of pocket-book feeling.

"Party feeling is altogether too high in Mississippi. Remember, then, that the deeper you go into a man's pocket, the deeper you stir up his feelings. No matter whether it is the usual swindling charges of sextons at a relative's funeral or onerous taxes upon a dilapidated plantation, the victim may pay silently, but not the less angrily

"What Mississippi needs is not a comparison between parties as to the relative extravagance of this or that party. We want no comparative and relative economy; we want absolute economy. We are pledged to it. Let us have it."

Q. The legislature at that time was republican?—A. Yes, sir.

Q. Did they pay any attention to this remonstrance of the tax-payers' union, along with the letter of General McKee?—A. I think not, sir.

Q. There was no reduction of taxes in consequence?—A. Not to my knowledge; no, sir.

Q. Was there any violence or intimidation in that election of 1875 that came to your knowledge?—A. I never saw but one occurrence that bordered on violence.

Q. What was that?—A. That was at the joint discussion at Allgood's Mills, in Noxubee County. Mr. Jarnagan was the democratic candidate for the legislature and opened the discussion; I followed; Mr. Cavett, the republican candidate for the chancery clerk, followed me; and he was followed by Sam Herron, a colored republican, representing Dr. Allgood, the republican candidate for sheriff. In the course of his speech he made an allusion to Mr. Connor, the competitor of Dr. Allgood; and Mr. Cavett charged them with responsibility for the riot that had occurred at New Hope Church, in Noxubee County, in August, 1875, and made some other allusions to their management of the office of sheriff. I don't remember his language. At this Mr. Cavett became indignant and denounced him as a "damned liar." Mr. Cavett was a republican. He jumped out of his seat and attempted to draw his pistol; I interfered and prevented him from shooting Mr. Herron, the colored man.

Q. This colored man, you say, was a republican?—A. Yes, sir.

Q. Mr. Allgood was a republican, and the candidate for sheriff, and is the present sheriff?—A. Yes, sir.

Q. Now, in the election, was the whole ticket or parts of both tickets elected?—A. A few days before election the two republican tickets were consolidated. In other words, Connor and Cavett, as I remember, were placed on what was known as the regular republican ticket two or three days before the election. After the election, a part of that ticket was elected, and a portion of the democratic ticket.

Q. Now, tell what officers were elected on both tickets, democratic and republican.—A. Judge Foote—shall I give the names?

Q. Give the names and politics.—A. Of the republicans: Dr. Allgood was elected sheriff; T. J. White, circuit clerk; Richard Gray was elected treasurer; Overton and McKeese were elected to the house of representatives.

Q. Were they colored or white?—A. The last four were colored men. For the coroner and ranger, a colored man was also elected.

Q. What democrats were elected?—A. The democrats elected were: Judge Foote to the State senate; Mr. Jarnagan to the house of representatives; I was elected chancery clerk; A. M. Williams was elected tax-assessor; the board of supervisors, and all the magistrates, and all the bailiffs of the county were elected by the democrats. The board of supervisors is composed of five members; and three of the supervisors were democrats. The board was divided.

Q. Was the board of registration republican or democratic, or represented by both parties, and what proportion?—A. It was represented by both parties, composed of two republicans and one democrat.

Q. Who were they?—A. W. H. Kennon, a white man and a republican, was the president of the board; Robert Cutts, a republican and colored man, and P. T. Ferris, a white man and a democrat, were the other two members.

Q. The sheriff at that time—what was he?—A. The sheriff in 1875?

Q. Yes.—A. He was republican.

Q. He had the appointment of the deputy sheriff, had he?—A. I am not positive as to whether the sheriff or the board of registration ap-

pointed the deputy sheriffs. My impression is, however, that the sheriff appointed the deputies.

Q. Is there anything more about the campaign? if so, give it.—A. Nothing, except that I believe that the negroes voted for Judge Foote, Mr. Jarnagan, and myself, cheerfully.

By Mr. PEASE:

Q. That is, in 1875?—A. Yes, sir.

By Mr. MONEY:

Q. Was there much bitterness between the two wings of the republican party of that county?—A. Yes, sir; there was, according to rumor, a very bitter feeling, and from appearances——

Q. Now, I want to ask you about the registration-laws of Mississippi. Was there a general satisfaction or disatisfaction with the registration-laws under which that election was held, and under which the voters were registered?

Mr. PEASE. For 1875?

Mr. MONEY. For 1875.

The WITNESS. I never heard any complaint on the part of any individuals about it. I do not think people were generally familiar with its working.

By Mr. MONEY:

Q. Have you heard anything about Governor Ames?—A. In July, 1875, Governor Ames called a special session of the legislature. One of the reasons assigned for calling the session was for the consideration of the registration-laws.

Q. Have you got that call?—A. I have.

Q. Let me see that?—A. And also the opinion of the attorney-general?

Mr. MONEY. I will put it in as evidence—as the reason the governor assigned in his message on that point; also, the opinion of the attorney-general on that particular question of the registration-laws.

Mr. PEASE. Then, suppose you produce the statutes to which you refer; the first one enacted.

Mr. MONEY. That is the evidence I want. If you want in those statutes you can put them in.

Mr. PEASE. I think it is incumbent on you to do that.

Mr. MONEY. I do not think it is. I want to submit the opinion of the attorney-general; it embodies everything necessary to go before the legislature to make up the meaning of the governor's call.

EXTRACTS FROM THE GOVERNOR'S MESSAGE.

A second and highly important reason for your assembling is due to our uncertain and inadequate registration-laws. It is the duty of the legislature to provide certain and sufficient means for each and every citizen to express his will at the ballot-box. Nothing should be permitted to stand in his way in the exercise of this, his first right and duty. That the obscurity and uncertainty which envelop the question of registration may be the more readily understood, I submit the following opinion of the honorable attorney-general.—*The Daily Mississippi Pilot, July* 28, 1875.

OPINION OF THE ATTORNEY-GENERAL ON THE SUBJECT OF REGISTRATION—THE ACT OF 1875 CONSIDERED.

To the Honorable A. K. Davis, lieutenant-governor and acting governor:

SIR: Your communication of the 5th, relative to the registration-law of March 6, 1875, to hand, propounding the following interrogatory, to wit: "Are voters who have been legally registered heretofore, required to register under said act before they are entitled to vote?"

The constitution, article VII, section 2, provides that "all male inhabitants of the State except idiots and insane persons, and Indians not taxed, citizens of the United States, or naturalized, twenty-one years old and upwards, who have resided in this State six months, and in the county one month, next preceding the election at which said inhabitant offers to vote, and who are legally registered according to the requirements of section 3 of this article, and who are not disqualified by reason of any crime, are declared to be qualified voters."

Section 3 of the same article provides as follows: "The legislature shall provide by law for the registration of all persons entitled to vote at any election, and all persons entitled to register shall take and subscribe to the following oath or affirmation;" and then follows the form of oath prescribed.

Thus it will be seen that the constitution has conferred upon the legislature the power to provide by law for the registration of all legal voters. The legislature, in the exercise of the power so conferred, gave us a chapter in the code of 1871, chapter 5, sections 340 to 355 inclusive, constituting the sheriff, chancery clerk, and president of the board of supervisors a board of commissioners, to appoint three suitable registrars in each county.

Section 383 provides that "Such board of registration shall determine the most suitable time and place for the registration of such voters, and shall appoint a period of not less than three days, and not more than five days, according to the number of voters, and the time required for each, at the most public and convenient place for such voters to appear and register therein, terminating the registration at the court-house or county-seat in said county, with five days to complete such registration."

This gave the board of registrars full discretion as to the time and place, and gave at each place from three to five days, and five at the county-seat. The act of April 15, 1873, amends the code in many particulars. It abolishes the board of commissioners created by the code, and confers the duties and powers upon the circuit judges, chancellors, and sheriffs, whose duty it shall be to appoint the registrars for the respective counties.

Section 2 of the act of April 15, 1873, required the registrars to register only at the county-seat, and to make only a revision of the rolls. It provided as follows: "That the registrars appointed under this act shall meet at the county-seat of their respective counties on a day at least seventeen days prior to any general election, Sundays excepted, and shall continue in session fifteen days, for the purpose of revising the registration-list of their county, and registering such persons as may have become qualified; such session to close not more than two days prior to the election: *Provided*, That this act shall not be construed as to require a general registration until after the next general election." This act requires a session of the board of registrars for fifteen days at the county-seat *prior to any general election*, for the purpose of *revision*, and then provides that no general registration shall be required until after the next general election. This act was approved on April 15, 1873, and the next general election was held in November, 1873, and although it makes no provision for a general registration, yet requires the board to meet and hold their session of fifteen days *prior to any general election*. This seemed to be in conflict with the code of 1871, sections 343 and 351; and section 10 of the act repeals all acts in conflict with it. Thus it would seem that the code *supra* was repealed, and yet no provision made for a general registration, and the general registration is merely alluded to as being authorized or directed after the next general election.

This left the law upon the subject of registration of voters in such inextricable confusion as to invoke the action of the legislature, which resulted in the act of March 6, 1875—acts of 1875, pp. 164 and 165—"An act to regulate the registration of voters in the State, and to repeal section 2 of an act approved April 15, 1873," the first section of which provides: "That the registrars of each county shall meet at some central and convenient place in each supervisor's district, to be fixed by them, and remain there not over two days, and register all those legally entitled to vote: *Provided*, That at the county-seat they shall hold three days to register all that may have been omitted in any of the districts, closing the registration two days before the day of election."

Section two requires the notice to be given, and section three repeals all acts in conflict with it, and gives it force from its passage. It gives only two days in each supervisor's district, and three days at the county-seat. It repeals section two of the act of April 15, 1873, and might revive the provisions of the code of 1871, but it is in conflict with the code, and repeals all acts that it comes in conflict with, and requires a general registration. It does not prescribe the time for the meetings of the board, except that the registration shall close two days before the day of the election, and whether that "election" is general or special, we are left to conjecture. But it would seem that the legislature has full power over the whole subject, and the passage of the act of March 6, 1875, was but the exercise of a legitimate power conferred by the constitution, and is valid as a constitutional act, and requires a general registration prior to each general election, if it has the force of law. But it has been suggested that this act did not pass both houses of the legislature, and although approved by the governor, did not become a law, and is now a nullity; and this involves a more serious question. We are seldom called upon to investigate the proceedings of the legislature to ascertain if their action has been regular in the passage of laws. Yet, the courts of the country will do so, when a proper case arises. The best, and probably the

only, means of arriving at the history of this act is the journals of the two houses, and by consulting the journals we find that on the 2d day of March, 1875, the bill was presented by Mr. Caldwell, in the senate; it was read a first and second time, and under a suspension of the rules referred to the committee on registration and elections. (Senate journal, p. 381.) On the 4th of March, that committee reported the bill back to the senate, without recommendation. (Senate journal, p. 385.) On March 5, this bill was taken up, read the third time, ordered engrossed, and passed, title standing as stated. (Senate journal, p. 416.) On the same day, it was reported by the secretary of the senate to the house as having passed the senate. (House journal, p. 510.) At the evening session of the same day, it was taken up in the house and *indefinitely postponed*. (House journal, p. 514.) On March 6, 1875, it was reported back to the senate by the clerk of the house, as having passed the house. (Senate journal, p. 418.) On the same day, it was reported to the house by the committee on enrolled bills as correctly enrolled, and presented to the governor for his signature. (House journal, p. 523.) Again, on the same day, March 6, 1875, it was returned to the senate by the governor, approved. (Senate journal, p. 426.) It is published in the pamphlet acts of 1875, pp. 164 and 165.

This is a brief and, I think, a full history of the bill, as shown by the journals, and the question is, is this a valid law? The record presents a mystery which I have been unable to solve, but we must take the history as we find it. The constitution, article IV, section 14, requires each house to publish from time to time a journal of their proceedings, except such parts as may in their opinion require secresy. The same article, section 24, provides that "every bill which has passed both houses shall be presented to the governor of the State." * * * * It must pass both houses before it can become a law; but is it indispensable that the journals shall show that fact affirmatively? Judge Cooley, in his Constitutional Limitations, says: "Each house keeps a journal of its proceedings, which is a public record, and to which the courts are to be at liberty to take judicial notice. If it shall appear from these journals that any act did not receive the requisite majority, or that in respect to it the legislature did not follow any requirement of the constitution, or that in any other respect the act was not constitutionally adopted, the courts may act upon this evidence, and adjudge the statute void. But whenever it is acting in the apparent performance of legal functions, *every reasonable presumption is to be made in favor of the action of the legislative body.*"

It would seem that if the journal was silent as to any particular requisite in the passage of the bill, still the presumption might be indulged, in the absence of anything to rebut the presumption; and in this case, the journal is not only silent as to the passage of the bill by the house, but we find on the 5th of March, at the evening session, and the day before the adjournment, the bill was *indefinitely postponed*, and this would seem to negative the presumption of its passage, notwithstanding it was afterwards proceeded with as though it had passed the house.

In Miller *vs.* The State (3 Ohio Reports, 475) the court says: "No bill can become a law without receiving the number of votes required by the constitution, and if it were found by an inspection of the legislative journals that what purports to be a law upon the statute-books was not passed by the requisite number of votes, it might possibly be the duty of the court to treat it as a nullity. But it does not follow that an act that was passed by a constitutional majority is invalid, because, in its consideration, the assembly did not strictly observe the mode of procedure prescribed by the constitution. There are provisions in that instrument that are directory in their character, the observance of which by the assembly is secured by their sense of duty and official oaths, and not by any supervisory power of the courts."

The case of Fordyce *vs.* Goodman, auditor of state, (2 Ohio, p. 1,) was the case of a claim against the State and allowed by the legislature, and in that case the court says: "Upon the question whether such claims have been allowed by the number of members required by the constitution, the legislative journal must furnish the appropriate evidence."

In the case of McCulloch *vs.* The State, (11 Indiana Reports, 425,) the court says: "Where the legislative journals are silent touching a step in the proceedings which the constitution requires to be taken, it will be presumed by the courts that the constitutional requirements were complied with." This would be at the most but a presumption liable to be rebutted.

In the case of Sherman *vs.* Story, (30 California, 253.) the court says: "An act of the legislature properly enrolled, authenticated, and deposited with the secretary of state, is a record which is conclusive evidence of the passage of the act, and that the act passed as enrolled."

Although this decision was rendered as late as July, 1866, it is certainly not sustained by authority, but in conflict with the leading cases on the subject. The better doctrine seems to be that where the constitution requires a journal to be kept, it is not indispensable that every step in the passage of a bill shall be recorded, but that we may indulge in a presumption in favor of the legislative action. But if the enrollment of a bill was to be regarded as sufficient presumptive evidence of its passage, still that presumption is rebutted and broken down by the record-evidence that the bill was "indefinitely postponed" on the evening before adjournment and near the end of the labors of the session, in the usual press of business that is always crowding the last few hours of the session by members who desire to accomplish some legis-

lation which they regard as important. In order to the passage of this bill it was necessary to have first reconsidered the action of the house whereby the bill was indefinitely postponed, and of this we have no evidence; and I think it more probable that the clerk should have made a mistake as to the action of the house upon the bill in the confusion and press of business. From the evidence furnished by the journals of the house, I think the presumption in favor of the validity of the act is rebutted by what does appear affirmatively on the face of the journal; and the act is void, and never had the force of law, though I must confess that the question is not free from doubt.

If correct in this conclusion, the act of April 15, 1873, is still in force; and, as we have seen, it repeals sections 343 and 351 of the code—the only law that directs a general registration, while it fails to provide for any registration, except fifteen days at the county-seat for the sole purpose of revising the lists, and this prior to any general election. This act certainly repeals the code of 1871 upon the subject, because it repeals all laws in conflict with it, and it most clearly conflicts with the code, *supra;* and it seems that we have no general registration-law, unless we could construe the act of 1873 to require it within the fifteen days at the county-seat.

It is much to be regretted that we find the registration-law in such inextricable confusion.

Very respectfully,

G. E. HARRIS,
Attorney-General.

The WITNESS. I have also a synopsis of a special act passed at the special session of the legislature in relation to registration.

Mr. MONEY, (to Mr. PEASE.) Here is one of the statutes you are anxious about. You can put that in if you choose.

[The following is the document, from the Free Opinion, Macon, August 6, 1875:

THE LEGISLATURE.

The legislature was in session only five days, and deserves great commendation for the dispatch with which it accomplished its business; possibly this unusual promptness may have been due to the fact that no per diem was allowed.

An act legalizing assessment and to extend the time of returning the same was passed.

An act requiring tax-collectors to give bonds was passed.

We take the following synopsis of the registration-law which was passed from the Jackson Times, intending to publish the law in full as soon as we receive it:

An act to regulate the registration of voters repeals the act approved March 6, 1875. Section 2 makes it the duty of boards of registrars, commencing on the first Monday in September, to hold a session of not less than two or more than three days in each and every election-precinct or voting-place, for the purpose of registering all persons legally entitled to vote. Provided that after the registrars shall have visited each election-precinct or voting-place, as above provided, they shall hold a session of five days at the court-house or county-seat, ending two days before the day of the election, for the purpose of registering such persons as may have failed to become registered in their respective districts or precincts.

Section 5 provides that the first general or new registration under this act shall occur in 1876, and every four years thereafter; and any certificates of registration that may have been previously issued, shall be, after each succeeding general registration, null and void.

Section 6 contains a proviso that after the board of registrars shall have visited each election-precinct or voting-place, as above provided, they shall hold a session of three days at the county-seat or court-house, ending two days before the day of the election, for the purpose of further revising said registration-lists and adding thereto the names of such persons as may have been omitted in their respective precincts or voting-places.

Section 9 authorizes judges, chancellors, and sheriffs, for good and sufficient reasons, to revoke appointments of registrars made by them respectively.

Section 10 constitutes the governor, lieutenant-governor, secretary of state, auditor and attorney-general, a board to make appointments in case the aforesaid officers for any reason fail to act, and shall have the same power to remove their own appointees, &c.

Section 12 authorizes that after the registrars have been appointed, if it should appear that they are all of the same political party, then in that case the registrar appointed by the sheriff shall be removed, and one appointed in his stead belonging to the political party different from the other two.

Section 13 authorizes that registrars shall receive $3 per day each, payable out of the county treasury, on the allowance of the board of supervisors.]

Q. (By Mr. MONEY.) That is the last one passed by the called session of the legislature. What were the disadvantages of registration, so as to demand a special act of the legislature for that purpose?—A. I know nothing except what is stated in the attorney-general's opinion. I never paid any attention to it.

Q. Do you know whether republicans of that county expressed general satisfaction with the registration-law passed by the legislature in the year 1876?—A. I never heard any complaint. Before the registration commenced, a republican mass-meeting was held in Macon, Noxubee County. Mr. Kennon, who was the registration-officer, and one of the board of registration, announced to the colored people that registration would begin at a very early day, and impressed upon them the importance of registering, telling them at the same time that they must in future have only one name; that under the new registration-law they would not be able to vote as they had been in the habit of doing, with more names than one; to register properly, and register under the right name, and to retain that name.

Q. That was said by Mr. Kennon, a republican and president of the board of registration?—A. Yes, sir.

Q. Now, do you know that under the old registration-law a man could get registered and vote in two places?—A. That is my understanding. It would be possible.

Q. It would be possible for him to do that, to vote at his precinct and go to the court-house and vote?—A. Yes, sir.

Q. Can that be done under the present registration-law?—A. No, sir. One great advantage of the present registration is that it prevents the assembling of large bodies. It would be possible under the old law for him to register, and vote at other precincts in the county.

Q. By using two names, as Mr. Kennon said?—A. That was possible.

Q. State how it was possible.—A. It would be possible for a colored man to register——

Q. For anybody to.—A. Yes; a man could register under one name, at any given precinct, and then register at another under a different name, and vote at two precincts in the county; and then it would be possible for the same man to go to the court-house and vote twice under the two names which were on the general register. Just before leaving Macon, the sheriff, who is a republican, stated to me that the present registration was a good one; that it was the only system that had been devised by which the poll-tax could be collected promptly and generally; that under the existing registration-law he would be able to find where the people lived, and especially colored people, who change their names very often. He borrowed the registration-book from me then for the purpose of collecting the poll-tax, saying that without that it would be impossible for him to collect the tax.

By Mr. PEASE:

Q. That you speak of as under the present registration law?—A. Yes, sir.

By Mr. MONEY:

Q. Does it enable the sheriff to find out the residence?—A. So he stated to me. I have never heard any complaints as to the work under the new registration law. I have seen it stated that the law required the voter to swear to the section, township, and range in which he lived. I don't know and do not so understand the law. I know the rule was not enforced by the board of registration of Noxubee County. The voters were only required to state at what plantation they lived, and in what portion of the election-district. There is no good cause for complaint on account of divided supervisor's districts in the election districts. The supervisor's districts have been heretofore divided into

registration-districts, and a man had to know in what registration-district he lived before he could bring his suit. I couldn't see any more difficulty about designating the district in which he lived than designating the magistrate's district, when he wanted to bring a suit before a magistrate in court.

Q. Was there a full registration in 1876 under this new law?—A. I think so.

Q. We now get down to the campaign of 1876. Is there anything you have got to say about that?—A. Nothing further.

Q. Do you know the vote of Mississippi for the years since 1868? Have you any memorandum which gives the vote of Mississippi?—A. I have, sir.

Q. Let us have that.—A. Give the vote of 1869 up to 1876, inclusive?

Q. We will give that.—A. Shall I give the vote for the different candidates, and the aggregate vote?

Q. Yes; if you choose to.—A.:

In 1869-

	Votes.
Dent, democratic candidate for governor, received	38,097
Alcorn, republican, received	76,186
The total vote was	114,283

In 1872—

Grant, republican candidate for the Presidency, received	82,406
Greeley, democratic candidate for the Presidency, received	47,287
Total vote	129,693

In 1873—

Ames, republican candidate for governor, received	69,870
Alcorn, democratic candidate for governor,——	

Q. He was not the democratic candidate for governor?—A. So charged.

received	50,490
Total	120,360

In 1876—

Buckhannan, republican candidate for State treasurer, received	67,171
Hemmingway, democratic candidate, received	98,715
Making a total vote of	165,886

In 1876—

Hayes, republican candidate for President, received	52,234
Tilden, democratic candidate, received	109,430
Making a total for 1876	162,664

I have also the vote of Noxubee for the same years.

Mr. MONEY. I will have that.

The WITNESS. The vote of Noxubee County is as follows:

In 1869—

Alcorn received	3,433
Dent	687

In 1872—

Grant received	3,058
Greeley	786

In 1873—

Alcorn received	311
Ames	2,388

I omitted to give the total votes, so as to compare. Can I give the total vote for 1869?

Q. Yes.—A. The total vote for 1869 was 4,120.

Q. For 1872?—A. 3,844.

Q. For 1873?—A. 2,699.

Q. For 1875?—A.:

Buckhannan received	2,088
Hemmingway	1,383
Total	3,471

In 1876—

Tilden received	1,628
And Hayes	1,429
Total	3,057

Q. You took a very active part in this campaign of 1876, did you not? And you were well informed as to what was going on in your county?—A. I took no part in the campaign, except as a member of the county executive committee.

Q. A vigorous canvass was made by both parties?—A. Yes, sir.

Q. Did you hear of any intimidation or violence anywhere whatever during the election?—A. I did not, sir.

By Mr. PEASE:

Q. You were chairman of the democratic committee?—A. No, sir; a member.

By Mr. MONEY:

Q. You were present at Macon the day on which Judge Chisolm and Younger discussed political questions?—A. I was, sir. My office was in the court-house where they spoke.

Q. You saw the transactions of the day?—A. I cannot say I saw everything there.

Q. You were there?—A. I was present when the meeting was organized, and assisted in its organization, and afterward went back to my office.

Q. What was the order of discussion?—A. I cannot state from recollection; but if you will allow me to examine some papers I will get the agreement.

Q. Well, let us have that.—A. That is the agreement [producing a paper] as to the joint discussion. Shall I read it?

Q. I will put that in evidence as the agreement.—A. [Reading:]

Agreement between T. J. White and E. A. J. McHenry, members of the county republican executive committee, representing Hon. W. W. Chisolm, and T. J. Stokes, chairman of the democratic county executive committee of Noxubee County.

In the matter of a joint discussion between Hon. W. W. Chisolm and Thomas E. Younger, esq.:

1st. The meeting shall be presided over, jointly, by E. A. J. McHenry and T. J. O'Neill, esqrs.

2d. Hon. W. W. Chisolm shall have one hour and a half to open the discussion.

3d. Thos. E. Younger, esq., shall have two hours in which to reply.

4th. Hon. W. W. Chisolm shall have thirty minutes for rejoinder.
5th. T. J. O'Neill, esq., will introduce Hon. W. W. Chisolm, and E. A. J. McHenry will introduce Thomas E. Younger, esq.

E. A. J. McHENRY.
T. J. WHITE.
T. J. STOKES.

Q. Was that agreement carried out?—A. Except that Judge Chisolm would not occupy the time agreed upon for a rejoinder.

Q. Do you know the reason why he didn't do it?—A. I don't know, sir.

Q. Can you see any reason why he did not do it?—A. None, sir.

Q. Was he prevented from doing it?—A. Not so far as my knowledge and information goes.

Q. You say Dr. Allgood is a republican and the sheriff. What official position did he hold in his party?—A. Chairman of the county republican committee.

Q. He took charge of the opening and attended the meetings to keep the peace as sheriff?—A. I think so. He appointed a large number of deputy sheriffs.

Q. Do you know how many?—A. I don't.

Q. He superintended them?—A. Yes, sir.

Q. He took upon himself the responsibility of keeping the peace; that was his duty?—A. Yes, sir. He appointed the deputies from both parties. The democrats had red shirts and the republicans had blue shirts.

Q. You heard no threats against Judge Chisolm that day and heard of none being made?—A. I did not, so far as I was concerned, and so far as my information goes. We were determined that Judge Chisolm should be protected. We had pledged ourselves to that.

Q. And there naturally was no hazard in his proceeding?—A. I think not the slightest.

Q. What was the general belief there for his reason of not continuing, not finishing that discussion?

Mr. PEASE. I object to that.

Mr. MONEY. Just file your objection. I want the question answered. We have been receiving all these matters of belief.

Mr. PEASE. I object to it.

The WITNESS. I can only state that it was after Younger's argument. The only cause I heard was that Younger's argument was unanswerable.

Mr. MONEY. What I was anxious to show was, that the discussion was not stopped by any fears of intimidation or threats in the public mind there, at least, whatever may have been the private opinions of the parties.

The WITNESS. The meeting was presided over jointly by the secretaries of the executive committees.

Q. (By Mr. MONEY.) Did any considerable number of negroes vote the democratic ticket at that time, in 1876?—A. Yes, sir; I suppose four or five hundred.

Q. Did they join democratic clubs?—A. Yes, sir.

Q. Operated with them?—A. Yes, sir.

Q. Did they wear badges, or anything of that sort, to designate them as democrats?—A. They wore red shirts.

Q. They generally attended public meetings in their uniform?—A. Yes, sir; at least at all the meetings where I was present.

Q. Mr. Patty, what is the present condition of affairs in your State? It has been under democratic rule one year.—A. Financially the advance of the State and country generally, so far as my knowledge goes,

has very greatly improved, and there is a very much better state of affairs existing. The relations existing between the races is more harmonious than at any time since I have been in the county. General good feeling prevails, so far as I know. The officers in our county are democrats and republicans. So far as my information goes, both parties are satisfied, and no complaint is made.

Q. Is the satisfaction greater or less generally among both classes?—A. Very much greater, and not without cause. I will state that the white people of our county are manifesting a much greater interest in the common-school system than they have ever done, and they are endeavoring to place the common-school system on a firmer basis, believing it to be the best interest of the State to educate all its people, especially the colored people.

Q. Is there anything else you want to say?—A. I have one matter. You asked me in relation to the present condition of affairs of the State. I desire to submit extracts from the report of the auditor of public accounts, Major Gibbs, a republican, elected in '73, and an efficient and popular public servant. It is dated the 1st of January, 1877.

[EXTRACT FROM THE ANNUAL REPORT OF THE AUDITOR OF PUBLIC ACCOUNTS.]

RECEIPTS AND DISBURSEMENTS.

A reference to the tables of documents "A" and "B" will show that while the receipts for the past year are much less than for the year previous, the disbursements have been correspondingly much less. Taxes have been materially reduced, and receipts as a consequence have fallen below the year previous, but, notwithstanding this, there is quite a large excess in our receipts over disbursements. The receipts from all sources up to January 1 were $981,373.25, and the disbursements the same time, $518,709.03, leaving an excess of receipts to the amount of $462,664.22.

Out of this amount the treasurer has retired certificates of indebtedness to amount of $122,504, and paid bonds and interest to amount of $179,224. Deducting these amounts, the excess of receipts is still $160,944.22; to this amount will be added about $300,000 of the State tax of 1876, yet to be collected and paid into the treasury.

This statement shows the financial condition of the State to be very flattering to the wisdom displayed by your honorable body at the last session, and that the efforts to economize and retrench the expenditures of the State government which were then made have been, to a great degree, crowned with success, without detriment to the general public service.

COMMON-SCHOOL FUND.

Document "D" shows the amounts and condition of this fund. Under the laws of last session, requiring all moneys received on account of redemption and purchase of lands forfeited for taxes, the net proceeds of all fines and forfeitures, and the amount of licenses to retail vinous and spirituous liquors, to be paid in currency, and the proceeds to be set apart as a school-fund for pro-rata distribution, there has been collected and paid into the treasury $104,009.66. To this amount has been added the proceeds of the United States bonds and interest, which was in the treasury, to credit of the common-school fund, amounting to the sum of $60,920.21, making a total of $164,935.87. This amount, it will be remembered, embraces only the proceeds from the above sources collected since the 1st day of April, 1876, the date of the act passed requiring all such collections and payments to be in currency. For this reason the entire proceeds of the year from these sources did not go into the common-school fund distribution, and did not therefore equal the amount of the two-mill tax, which is $185,933.22. This deficiency is to be made up from the general fund, and the distribution pro-rata to the several counties will be made at once. The number of educable children in the State, as per latest reports furnished by the State superintendent of education, is 357,563. Upon this basis the amount to be distributed will give the sum of 52 cents to each educable child reported.

In closing this report I desire to return to your honorable body my sincere thanks for the courtesy which you have extended me in our official relations, and the consideration which you have given to the suggestions I have had the honor to make. I desire also to extend to his excellency the governor, and to heads of departments of the State government, and all those connected with the same, my thanks for the uniform kindness, courtesy, and promptness with which they have responded to all requests for information or advice. Our intercourse has been of the most pleasant and agreeable character, complete harmony of action and a desire to promote the public weal has been the governing rule, no dual governments,

no angry contentions have intervened to provoke discord, and the result is, that while other of our sister States have been distracted by dissensions, convulsed by revolutions, and bankrupted by improvident governments, Mississippi is quietly and peacefully pursuing the even tenor of her way, with a State debt so small that the whole amount could easily be liquidated in a single year, her bonds and warrants are at par, with currency in the treasury sufficient to meet all present demands. Our State has entered on a career of substantial prosperity well calculated to cheer the hearts of the despondent, encourage the hopes of the patriotic, and give fresh impetus to all her material interests. We should all esteem it an honor and feel a just pride in having contributed our labors to the accomplishment of so magnificent a result, accompanied with so much good to our fellow-citizens.

I have the honor to be, very respectfully,

W. H. GIBBS,
Auditor Public Accounts.

Q. This auditor is a republican?—A. Yes, sir.

Q. Now, have you read the proceedings of the last legislature at its adjournment?—A. I have.

Q. Did you read the speeches made by the colored members in that legislature when they adjourned?—A. As reported in the Clarion, the official journal of the State.

Mr. MONEY. I will submit that.

Q. On what day was that?—A. On the first day of February, 1877.

[Extract from the Daily Clarion of Friday, February 2, 1877.]

On motion of Mr. Turley, the thanks of the house were tendered to the able, efficient, and courteous clerks, Messrs. Govan, Holland, Brougher, and Matthews, for their prompt dispatch of business.

Mr. Denson offered the following:

Resolved, That the thanks of this house are due and are hereby tendered the Hon. H. M. Street for the efficient and impartial manner in which he has presided over this house during the present session.

The speaker having called Mr. Clifton to the chair, the resolution was eloquently advocated by Messrs. Turley and Denson. Messrs. Young and Carter (colored members from Washington and Warren) expressed their gratitude to the speaker, and to the members of the house generally, for their impartiality, kindness, and courtesy which had been uniformly shown the colored members during the last session and the present. Mr. Young remarked that he came here with some doubts lingering in his mind as to the disposition of the majority to accord justice. Whilst he is a republican, he held that if a man is pure, consistent, honest, he was the man for position regardless of politics. He assured the members that if they would continue to keep faith with the colored people, as they had heretofore done, no foreigner, no northern man, no western man, no carpet-bagger, could alienate the colored people of this State from their fellow-citizens of the white race. You, said he, have the brains, the power, and the money to do as you please. Only continue your kind treatment, and show my people that you mean to do right, and all will be well. Mr. Carter laid special emphasis on the liberal action of the house toward the colored normal schools. Both speakers were frequently applauded. Mr. Jacobs, of Adams, and Mr. Mallory, of Leflore, (both colored,) also expressed their thanks to the speaker, and to the members generally. The resolution to Speaker Street was then unanimously adopted by a rising vote.

Q. These gentlemen mentioned here are all colored men and republicans?—A. So stated; I don't know of my own knowledge. I knew Carter, who was a colored man. I have been so informed that the others were.

Q. Is there any other matter now in connection with '76 or '75 which you desire to state to the committee?—A. Nothing that I can think of now. My memory may be refreshed by some questions.

Q. Take the witness.

By Mr. PEASE:

Q. You have testified to the speeches delivered in connection with the adjournment of the last legislature; the legislature of 1875 or 1876?—A. 1877.

Q. Of 1877?—A. Yes, sir.

Q. Was it not customary at the adjournment of preceding legislatures for republicans or for democrats to compliment the officers of the legisla-

ture?—A. I don't know, sir, that it was. I never read any speeches of the same tenor.

Q. Did you ever see any speeches of any kind reported?—A. I cannot state positively. I think in the proceeding of the legislature that members generally returned thanks for courtesies shown.

Q. Did you never read any speeches delivered on the occasion of the adjournment of the legislature by the democrats, expressing any other sentiments than those of hearty indorsement of the republican officers in their various capacities?—A. I don't think that I ever did. I mean by that—I desire to say in further answer to that question, that my understanding is that it was customary at the close of the legislature for resolutions of similar import to be introduced, and that thanks were generally returned to the officers for their personal courtesies to members. These speeches, as I understand them, have a broader significance, going so far as to thank the democratic party, and expressing gratitude at the course they have pursued.

Q. This report of the speeches is taken from a democratic paper?—A. Yes, sir; the official journal of the State.

Q. Do you know the politics of this man Carter?—A. I do not. I have seen him classified as republican, and afterward as a liberal republican. That is my recollection.

Q. Do you not know that he was elected in the county of Warren by the democrats?—A. I do not.

Q. You have stated in your examination-in-chief that the white people of the county are taking a greater interest in the common schools. In what respect is this than formerly?—A. In one respect—in this respect—there is a disposition among the people to encourage the native white people to take advantage of common schools; that has not been done by many native white men, but I think it will naturally result from the present feeling.

Q. Can you state the reason why the white people have not taken an interest in common schools there before?—A. Chiefly, as I think, for the reason that they regarded the colored people as arrayed in hostility to what they conceived to be their interests and the interests of the State.

Q. I believe the democratic party had control of the administration of affairs in that county for several years subsequent to the war?—A. I was born and raised in Winston County, the county adjoining Noxubee. I was not in that county until September, 1869, when I went there and engaged in business.

Q. You carpet-bagged to that county in 1869?—A. I don't know, sir.

Q. You were elected to office very soon after you came to the county?—A. No, sir.

Q. Are you in office now?—A. I am.

Q. You came to the county when?—A. 1869. I was born and raised thirty miles distant from the place where I now reside. In 1873 I was nominated by the republicans and democrats of the town as a member of the board of aldermen.

Q. Of what town?—A. Macon; without any solicitation on my part or my friends. The year following I was again elected by both parties.

Q. 1873?—A. 1873 and 1874.

Q. Don't you know as a matter of fact that the democratic party had control of the administration of your affairs, county affairs, for several years after the close of the war, and since 1869?—A. I do not know of my own knowledge. My belief is that the democrats did have control——

Q. Do you know whether there were any schools established in your county prior to 1869, free schools?—A. I do not.

Q. Do you know whether there was any law enforced in the State of Mississippi for the establishing of free schools prior to 1869?—A. I don't know. My impression is that there was not; it is merely an impression.

Q. Mr. Patty, will you state from your own knowledge of the political history of Mississippi whether or not there was ever a dollar of tax levied in the State of Mississippi for free-school purposes, prior to the administration of the affairs of the State, under the republicans?—A. I don't know, sir; the republicans have charged that there was not.

Q. Do you know as a matter of history that that is the fact?—A. That is my belief and understanding. I don't state it as a matter of fact, however. I may add right here, in further answer to your question, that before the war, the great majority of the white people were able to educate their children and felt no necessity for public schools.

Q. You say the great majority of the white people were able to educate their children?—A. I so understand.

Q. Do you know what proportion of the white people were able to educate their children?—A. All the white people.

Q. On the contrary, speaking of the State, do you not know that a majority of the poor white people were not able to educate their children?—A. The census shows a very large portion illiterate.

Q. Do you know the relative proportion of adults in the county of Winston, where you formerly lived, who were not able to read and write?—A. I don't.

Q. Don't you know that a large majority of the people were illiterate in that county?—A. I don't; so far as my knowledge goes, I only knew two men in the county that were unable to read and write their names.

Q. You only knew of two?—A. Yes, sir.

Q. You don't know but there may have been a great many more?—A. No, sir.

Q. Who has had charge of the superintendency of schools of Noxubee County for the past five or six years?—A. Judge Charles B. Ames, a republican.

Q. Who is Mr. Ames?—A. He is a republican, and a northern man by birth; a brother of Bishop Ames of the Methodist Episcopal Church.

Q. Do you know how long he has been in Noxubee County?—A. Forty years; I suppose that long, or probably longer.

Q. What is the character and standing—his general reputation in that county, in the community?—A. In what particular?

Q. As to his fitness for the office, and his general character and reputation.—A. I never heard any insinuations against his character. He is considered competent for the position. The only complaint I have ever heard urged against him was that he speculated in school-warrants, and managed to absorb the greater part of the school-fund.

Q. What are we to understand by that? Give an explanation of how he absorbed the warrants, or how he absorbed any of the school-fund.—A. In order to make my answer plain, it will be necessary——

Q. Make this as plain as you can.—A. The law requires that after the school trustees have certified—the former school-law required, after the trustees certified to the account of the teacher, that the superintendent should issue his pay-certificate for the services rendered, and that certificate was required to be presented to the chancery clerk, and he was required to issue a warrant on the county treasurer for the amount. It was the practice of Judge Ames to refuse to issue the pay-

certificate, and give them simply a memorandum, saying that the "bearer is entitled to [a given amount] whenever there is money in the treasury to pay it." The result was that no one would buy the warrants, and the teacher could not discount and sell them, for the merchants would not do anything with them at all, and in the end they were forced to sell them to the superintendent, instead of allowing the warrants to be thrown on the market. He managed it in such a way that he controlled the warrants. After he would buy the time of the teacher, he would issue the certificate and get the county warrant himself.

Q. At the time of the issuance of these warrants, was there money in the treasury to pay these warrants?—A. I don't know.

Q. You don't know that there was any?—A. I do not.

Q. Were you acquainted with the financial affairs of that county?—A. Nothing official until 1875.

Q. Did not you know, at the time of issuance of those certificates, that there was no money in the county treasury to pay the teacher's warrants—the school-house warrants?—A. I don't know; I don't think there was; I think he took advantage of that fact.

Q. You say he absorbed the school-fund?

Mr. MONEY. The school-warrants, he said.

Mr. PEASE. I will refer to the minutes. Stenographer, read his answer.

The STENOGRAPHER. [Reading.] Q. What is the character and standing—his general reputation in that county, in the community?—A. In what particular?

Q. As to his fitness for the office, and his general character and reputation.—A. I never heard any insinuations against his character. He is considered competent for the position. The only complaint I have ever heard urged against him was that he speculated in school-warrants, and managed to absorb the greater part of the school-fund.

The WITNESS. I mean by that, now, as a general thing, the teachers received fifty cents on the dollar for services rendered, and the superintendent got the benefit of the balance.

Now, in relation to that, as another answer to the question, I desire to state what the county treasurer himself——

By Mr. PEASE;

Q. I don't want to hear about that.—A. That will explain the condition of the treasury.

Q. If you have got any official account of it, I have no objection to your submitting that. You said that Mr. Ames managed to control these warrants so as to prevent them from being circulated in the county; would not these teachers, in the absence of any money in the treasury, have been obliged to have gone to other parties to have sold their warrants?—A. I suppose so; yes, sir.

Q. So far as buying these warrants at a discount, it was a legitimate business.—A. I think it was legitimate to buy the warrants, but not to refuse the certificates for the warrants. If they had been issued they would have sold for more than what he paid for them.

Q. How do you know that?—A. I would have bought them myself.

Q. Have you dealt in county warrants?—A. I have, sir.

Q. Have you dealt in school-warrants?—A. I have not, sir.

Q. You never bought any?—A. No, sir; and for the same reason other people refused to buy them, and the superintendent virtually controlled the school-fund.

Q. Now, Mr. Patty, you have been an officer of the county, and you are supposed to have a very fair knowledge of the law regarding school affairs. Now, if it was the law that the certificates should be issued,

and the complaint was made that you spoke of there, why was not Mr. Ames compelled to issue the certificates?—A. I do not know.

Q. You do not know. Did you ever hear any of the teachers complain about this matter?—A. I have.

Q. How many?—A. I cannot state how many.

Q. Who? Name the parties.—A. I have heard T. B. Thompson.

Q. Who was he?—A. A white man and a teacher.

Q. You heard a complaint from him?—A. He came to me about the school-law. He said he——

Q. What did you say to him?—A. I showed him the law.

Q. What was the law?—A. I have already stated the law. I don't know that there was any law that would correct the complaints.

Q. Now, Mr. Patty, was it not a matter of fact that these memoranda that you spoke of, which were issued by Judge Ames, the superintendent of public instruction, were an accommodation; was it not to the interest of the teachers who were necessitated to use their money, and could not wait until the taxes were collected in so as to draw their money on the proper legal certificate on the county treasurer?—A. I do not understand you.

Q. I ask you whether it was not a matter of accommodation to these teachers to receive their pay in the manner you have described from Judge Ames?—A. You mean was it to their interest?

Q. To their accommodation. They could not wait until there was money in the treasury, and for them to go over the routine process of issuing certificates?—A. It was not an accommodation to refuse to issue the pay-certificates.

Q. Do you know that of your own knowledge, that the superintendent of public instruction refused to issue these certificates?—A. Yes, sir.

Q. State any circumstances that came under your observation.—A. I had frequent conferences with him in relation to the refusal.

Q. What did he say?—A. He said he was not going to issue any pay-certificates.

Q. Did he assign any reason?—A. He said he wanted to keep the warrants off the market.

Q. Did he give any reason why he wanted to keep them off the market?—A. He did not. Of course I drew my inference from his remarks.

Q. Now, is it not a matter of fact that if he had issued those warrants they would have been circulated throughout the county, and the competition for their purchase would have reduced the value so as to affect the price?—A. No, sir; competition would have increased the price.

Q. Would have increased it?—A. If twenty men wanted one warrant it would have increased its price more than if one man wanted it.

Q. Now, was there a general complaint about this? I am pursuing this thing because you have intimated that a republican office-holder of the county was speculating in warrants and absorbing the public funds, which is a criminal charge against him. Hence I desire to get at the facts in the case. Now, then, I want to know whether there was a general complaint upon the part of the teachers about this matter?—A. No, sir. I did not know that I stated to you that there was a general complaint on the part of the teachers.

Q. Well, on the part of citizens, tax-payers, anybody?—A. I think there was; yes, sir.

Q. Now, if there was a law compelling him to issue these warrants, and complaint was made among good citizens, why did they not insist that the law should be executed?—A. I am unable to say. I was in-

formed that they were trying to present him to the grand jury and indict him, but were unable to do it.

Q. What years are you speaking of?—A. Of 1876. I have no personal knowledge of any other year. It was generally charged all the time he was in office that he was taking advantage of his position to speculate in warrants. I regard, however, that he had perfect right to buy warrants. The investment was legitimate if he gave everybody an equal opportunity.

Q. Do you know whether he had been speculating? From the examination-in-chief the committee would be led to infer that Judge Ames had been speculating and absorbing public funds, during his term of office, for a considerable length of time. He has held that office ever since 1870.—A. I think so; since the school system was established.

Q. I desire to know now whether or not Mr. Ames, whose management you complain of——?—A. I make no complaint.

Q. You charge him with absorbing funds—whether or not he was recently appointed by the State board of education?—A. He was. Now I desire to state—

Q. Just answer my question. Will you give the political sentiments of the majority of the State board of education, and the law requiring them to make this appointment?—A. Democrat.

Q. Do you know the politics of the men, so far as the majority is concerned, in the State senate?—A. Democrat.

By Mr. PEASE:

Q. I would like to know if the law does not require that the county superindendencies made by the board of education shall be confirmed by the State senate?—A. That is my understanding of the law.

Q. Mr. Ames, the gentleman you complained of as having absorbed the school-funds has been appointed by the democratic school-board, and confirmed by the democratic senate?—A. He was. I desire to explain my statement in relation to his re-appointment. The school-board is not democratic.

Q. The school-board is not democratic?—A. It is not.

Q. One member of the State school-board is democratic?—A. The attorney-general is a republican. The senate was democratic, however. I desire to explain the reasons which I have been informed for his re-appointment.

Q. You can state the reason?—A. I got my information from Judge Foote, a democrat. A strong reason for his re-appointment that was made was to convince the colored people that there was no disposition to interfere with the schools, and to let a superintendent of their own selection remain in control of the public school of the county.

Q. That is the explanation of the democratic senator?—A. Yes, sir.

Q. This democratic senator would have been in favor of allowing an officer to remain in office who was speculating in school-warrants and absorbing the school-fund simply to satisfy the colored people?—A. I don't know whether he would favor it or not. In the outset you asked me about the complaints as to Judge Ames's administration.

Q. Yes.—A. I told you one complaint was about his speculating in that school-fund.

A. Do you know how many schools were put in operation under Judge Ames's administration in that county?—A. I have his report made to the board of supervisors at my room.

Q. Approximate to it?—A. I think between sixty and eighty; not positive, however.

Q. Is it not a fact, Mr. Patty, that the schools of Noxubee County since 1870 have been, or rather I would ask you whether or not adequate school-funds have been furnished for all the people's children in the county?—A. Schools have been established.

Q. So that all could have equal advantages?—A. That is my understanding.

Q. You have heard no more against the administration of school affairs, as to this especially?—A. Well, charges were made in the State papers against the State superintendent.

Q. State what you know yourself. You know of no other charge?—A. No, sir; there is a good deal of dissatisfaction in our county because the school-funds are not paid there to the treasurer, so that the teachers could have their warrants cashed.

Q. You state that you took no part in the canvass of 1876 in your county, further than being a member of the democratic committee of that county?—A. I made that statement.

Q. Did you take any part in the canvass of the county in 1875?—A. Yes, sir.

Q. Was there any violence or disturbance in your county in the year 1876, during the election canvass?—A. I never witnessed any.

Q. You never witnessed any?—A. No, sir.

Q. Did you know of any?—A. I know from hearsay—I presume it was correct—of two instances.

Q. Do you know whether or not the democratic party of your county organized clubs during 1876, this late canvass?—A. Yes, sir; re-organized the clubs of 1875. There were clubs in 1876.

Q. Do you know whether any of these clubs were armed?—A. I don't, sir.

Q. Do you know of any instances in which they turned out with arms during the canvass of 1876?—A. I do not.

Q. Had they uniforms?—A. They had red shirts; one club had red hats and red capes.

Q. You say you never saw any one of the members of the clubs carrying arms?—A. I have seen the individual members of the clubs with pistols sometimes. I have seen pistols buckled around them.

Q. When wearing uniform?—A. Yes, sir; when they had on the red shirt.

Q. Was it not the common practice to carry arms whenever they turned out?—A. I don't know, sir; I never saw the majority, or any very large proportion, with arms.

Q. You have seen quite a number?—A. As far as I am concerned I went through the canvass of 1876 without any kind of arms; carried no pistol.

Q. I am not speaking of yourself, so far as you are concerned personally.—A. A great many people are in the habit of carrying arms——

Q. I am speaking of the arming of clubs. You stated something in relation to a meeting held in Macon, and submitted a written agreement on that occasion between Judge Chisolm, the republican candidate for Congress, and the democratic speakers?—A. The democratic committee. It was an agreement for joint discussion between the two committees—not between two committees, but between two republicans and the executive committee.

Q. That is immaterial. I desire to ask whether there was any disturbance on this occasion in this meeting?—A. I heard of none; I can state what was said to me. At the organization of the joint meeting, under the agreement with Dr. Allgood, the chairman of the republican

committee called the meeting to order. I read the written agreement for joint discussion to the meeting after he had called them to order. After that had been done, while we were waiting for Judge Chisolm to take the stand, Mr. Cavett, a republican, came up to the corner of the stand and motioned me to come to him. I went there and stooped down. He told me that he staid there that day solitary and alone.

Q. Who told you this; Judge Chisolm?—A. No, sir; Mr. Cavett. He said, "I don't think Judge Chisolm ought to speak; I intended to take him off the stand if he got up." When he told me that he wanted Judge Chisolm off the stand I told him he had better stop there. I did not want him to take him off the stand. Mr. O'Neill, the chairman of the democratic executive committee, told me afterwards that Mr. Cavett did come over and put his hand on the shoulder and started to leave, but he met his interposition, and Judge Chisolm remained. That is the statement made by Mr. O'Neill. I know nothing of my own knowledge.

Q. Did Mr. Cavett assign any reason why he proposed to take Mr. Chisolm away?—A. He did not.

Q. Do you know of any reason for it?—A. I do not.

Q. Was this an advertised republican meeting; were the republicans to assemble for political discussion?—A. Yes, sir.

Q. It was their meeting?—A. Yes, sir.

Q. Was it not the fact that the democrats demanded a division of time?—A. I can answer that best by submitting a communication or a copy of it.

Mr. PEASE. I do not care about that.

The WITNESS. I do not understand that there was a formal demand made. It was simply a request for a division of time, such as might be deemed fair and necessary, to provide for a full and free discussion.

Q. From your knowledge and experience of political discussions and canvassing by your party, I ask you whether it has been customary for democrats to demand a division of time?—A. I do not think it has been customary.

Q. But it has been done on some occasions?—A. Not until 1875.

Q. It was done in 1875?—A. I am not positive, but that is my impression.

Q. Is it not a matter of fact that the organization of the democratic party, considered as a whole, in the State, adopted the policy in the late presidential canvass of demanding a division of time and of taking special surveillance of every republican meeting in the State?—A. I cannot answer.

Q. I will ask you in a different form. Was it not the fact that resolutions to that effect were passed in the State by the democratic organizations?—A. I cannot state that it was; I can state as to our county.

Q. Are you a reader of the public prints of your State?—A. To some extent; yes, sir.

Q. You have submitted a large number of them here, evincing the fact that you are familiar with the press of the State. Do you not know, as a matter of fact, that in the Clarion, and in several other democratic papers, among which was the Raymond Gazette——A. I never saw the Raymond Gazette.

Q. Is it not a fact that these papers contained resolutions, passed in the various counties, calling upon democrats to attend these meetings, and to prevent the republican speakers uttering any sentiments they might deem improper?—A. No, sir.

Q. You never read any such articles?—A. No, sir; it was a policy in our county to attend all public meetings, and, if possible, have a fair division of time, and discuss all issues before the people fairly and peaceably; and it was agreed by our executive committee that the same request that we made of the republicans should be cheerfully granted to the republicans if they desired it at our hands.

Q. Do you know of any instance where the republicans adopted any policy of that kind, demanding a division of time in public discussions in your county?—A. I do not know.

Q. You never knew of any such?—A. I do not.

Q. And you say it was the policy of the party to have what is called a fair discussion?—A. I did not use that language. My language was that it was the policy to attend all public meetings and request a fair division of time.

Q. They adopted a policy, as they called it, of fair discussions and a fair division of time at these discussions. Now do you consider that as a matter of right relating to fairness in political discussions? I will take an instance, in order to bring out my meaning. Suppose the republicans have announced a meeting, and their speakers have been invited from abroad, or from home, as the case may be, and they have made all arrangements for their meeting, would you consider it absolutely a matter of right and fairness for the opposition party to demand on such an occasion that they should divide the time with them?—A. I would not consider it a matter of right.

Q. Unless it was done by their consent?—A. I would not consider it a matter of right to demand it. I would see no impropriety in making a respectful request for such a division of time as might be agreed upon. If the republicans were to decline, then I should oppose insisting upon any joint discussion.

Q. You say you would oppose it?—A. Yes, sir.

Q. Suppose you had failed in carrying out that policy. In other words, on occasions of republican meetings, suppose they had refused to entertain this fair discussion and fair division of time that you speak of, what would your party have done?—A. I cannot speak about the party.

Q. You ought to speak for the party, being a member of this political organization?—A. I can only give my belief.

Q. What is your belief?—A. My belief is that no trouble would result from it.

Q. You say on this occasion of the meeting at Macon a special police force was appointed by the peace officers of the county?—A. I did.

Q. And that the democrats wore red shirts?—A. Yes, sir.

Q. And the republicans wore blue shirts?—A. Yes.

Q. What was the occasion of the equipment of these special police in shirts of different colors?—A. They were not equipped in shirts of different colors, but they were selected from the two parties, and they were in uniform.

Mr. MONEY. The whole crowd was in uniform?

The WITNESS. The republicans had on blue shirts and the democrats had on red shirts.

Q. (By Mr. PEASE.) This was a republican meeting, I believe you said?—A. Yes, sir; called by the republicans.

Q. How did it come that the democratic clubs turned out in uniform on that occasion?—A. I do not know that the clubs turned out as clubs. I don't think there were any clubs there.

Q. These uniforms or insignia were worn by democratic clubs, were they not?—A. Yes, sir.

Q. And large numbers of them were there that day?—A. Not large.

Q. How many white men?—A. I suppose there were two or three hundred white men. I think that is a large estimate.

Q. Were they mostly uniformed with red shirts?—A. No, sir; I don't think the majority of them were uniformed.

Q. You were acquainted with the condition of public sentiment; what existed to make it necessary on this particular occasion that a large special force should be appointed?

The WITNESS. Do you ask for my opinion?

Mr. PEASE. You ought to know.—A. I do not think there was any necessity for it. The sheriff, however, out of abundant caution, I suppose, took steps to prevent the possibility of any outbreak. In addition to the special——

Q. The sheriff is a very intelligent man, is he not?—A. Yes, sir; so regarded; chairman of the republican executive committee.

Q. I want to ask you now if you attended any democratic meeting during the canvass in 1876 in your county?—A. Yes, sir; I did.

Q. How many?—A. Two or three.

Q. Were they large meetings?—A. Yes, sir; as large as usual.

Q. Who spoke at these meetings that you attended?—A. The first meeting I was at was at Shuqualak.

Q. Who spoke on this occasion?—A. Colonel Money.

Q. The candidate for Congress?—A. Yes, sir; and Mr. Younger, a colored man.

Q. A colored speaker?—A. Yes, sir.

Q. Where was he from?—A. I do not know; my understanding is that he was from Louisiana.

Q. Imported into the State to make speeches, and employed by the democratic party?—A. I know nothing about that.

Q. On this occasion at Shuqualak was there a large meeting? Was there a large number of colored citizens who had turned out on that occasion?—A. Yes, sir; they had a club. It was the occasion of a public barbecue.

Q. It was a general turn-out?—A. A general turn-out on that occasion, in that locality.

Q. Was there any special police appointed on that occasion by the sheriff or any other police officer?—A. The sheriff was not there.

Q. Do you know whether he was acquainted with the fact that you were to have a meeting on that occasion?—A. I think he was.

Q. Do you know whether any police officer appointed any special police on that occasion?—A. No, sir; I do not think so.

Q. There was no necessity for it?—A. I think, however, special police or marshals were appointed by some marshal.

Q. Do you know it?"—A. I do not. I only saw the badges.

Q. They were simply marshals for parade rather than any other purpose, were they not? They were not marshals to preserve the peace?—A. They were not acting under any law, as I understand it.

Q. Had you a meeting at Macon during the canvass of 1876?—A. Yes, sir.

Q. Was it a large meeting?—A. Yes, sir.

Q. Who spoke on that occasion?—A. General George.

Q. He is the chairman of the democratic central committee?—A. Yes, sir.

Q. Were there any other?—A. Judge Foote, Mr. Jarnagan, and several others.

Q. It was a democratic meeting?—A. It was.

Q. Were there any special police appointed on this occasion by the sheriff?—A. I cannot state of my own knowledge. I believe, however, there was.

Q. Were you there?—A. I was.

Q. Did you see any officers with badges indicating that they were appointed for special duty to preserve the peace on that occasion?—A. My recollection is that I did. I am not positive about it.

Q. Do you not know that democratic meetings have never been disturbed by republicans in your county?—A. I don't think there were any democratic meetings in that county up to 1875.

Q. Answer the question. I want to know whether, to your knowledge, republicans ever attempted to disturb a democratic meeting, so as to make it necessary for a special police force?—A. I have no recollection that republicans ever interfered with a democratic meeting, and I don't know that democrats ever interfered with republicans; that is, in Noxubee County.

Q. Did you indorse the precautionary measures of the marshal on the occasion which you mentioned, at Macon, when Judge Chisolm spoke? Did you think it was advisable to take such precautions?—A. I saw no necessity for it myself. The sheriff must be his own judge.

Q. He is a sensible and judicious man? He would have been apt to have known if there had been any occasion for such precautions, would he not?—A. Yes, sir.

Q. You mentioned, in your examination-in-chief, that during the camp of 1876 large numbers of the colored voters of that county joined the democratic clubs and voted the democratic ticket?—A. I don't recollect making such a statement. My recollection, if you will allow me to state——

Q. State what you said.

A. My recollection is, that I stated that four or five hundred colored men voted the democratic ticket.

Q. You may have meant that, but you did not state it, I think.—A. And that they joined the clubs, too. I believe I have stated that, and that they wore, in some cases, uniforms, red shirts, or red caps, and cloaks.

Mr. PEASE. That was not your statement. Your language was, "Large numbers."—A. I think I stated the number.

Mr. MONEY. My recollection is that he said about four hundred; but if you choose you can put down now what he says, and he will stand contradicted by himself. You say some four or five hundred did, you think?—A. Some four or five hundred voted the democratic ticket, as I believed from the returns.

Q. (By Mr. PEASE.) I think you have given the vote of 1873. Do you recollect that vote?

WITNESS. In Noxubee County?

Mr. PEASE. Yes, sir.—A. Two thousand six hundred and ninety-nine was the total vote in 1873.

Q. What did you say was the relative vote of the two parties?—A. Alcorn received 311 and Ames 2,388.

Q. What did you state was the vote of 1875?—A. Three thousand four hundred and seventy-one.

Q. That is the aggregate?—A. Yes, sir.

Q. What was the relative vote?—A. Buckhannon, 2,088; 300 short

of Ames in 1873. Hemingway, 1,383; an increase over the vote for Alcorn in 1873 of 1,072.

Q. Alcorn was the democratic candidate, was he not?—A. So classed in the statement.

Q. And Hemingway was the democratic candidate for treasurer?—A. Yes, sir.

Q. Is it not the fact that a large number of democrats voted for Governor Ames for governor in your county?—A. I know of no instance in which a democrat voted for Governor Ames. My opinion is that very few white men voted in 1873.

Q. That will account for the difference in the votes, if they didn't vote, will it not?—A. To a very great extent. The whites voted in 1875 and didn't in 1873.

Q. You say there were about four hundred colored republican votes cast in your county in 1876. You say that number of colored republicans, as I understand you, had joined the democratic party. Would that 400 votes make the difference in the vote as between 1875 and 1873?—A. My reason for stating that about four hundred colored men voted the democratic ticket in 1876 was, for the reason that Tilden received 1,600 in round numbers, and the registration of white voters in the county amounted to 1,100.

Q. So that you assume that they were colored, but you do not know it?—A. I do not know of my own personal knowledge. I know that there were 1,158 white men registered and Tilden received 1,600 and over.

Q. I understand you to say that your belief is that some three or four hundred colored men voted the democratic ticket, and you base it upon the fact of the difference in the democratic vote of 1876?—A. No, sir; I do not state that. I stated that I based it on the difference between the registered white vote and the vote received or cast for Tilden.

Q. Then you do not know that the difference was made up by the actual votes of colored men in your county?—A. I do not.

Q. It might have been done by fraud?—A. I have no knowledge as to whether it was or not.

Q. It is possible that it might have been done by fraud, is it not?—A. I suppose it is possible; anything is possible.

Q. Is it not a fact that you were a member of the democratic committee? Is it not a fact that the democratic party made a very great effort to induce the colored people to turn out on the occasion of their meeting—I mean the democratic meeting at Macon—from all portions of the county? Was there not a very great effort made to induce colored people to turn out at that meeting?—A. That is the meeting to which I have——

Q. I refer to the democratic meeting.

The WITNESS. When General George spoke?

Mr. PEASE. Yes, sir.

A. Yes, sir; a general invitation was extended, and I think efforts were made all over the county to induce colored people to attend.

Q. Democratic clubs attended from all parts of the county?—A. Yes, sir; I think all the clubs in the county, with one or two exceptions.

Q. How many clubs attended in the procession on that occasion?—A. I was informed by the officer of one club that he had 150 colored men in his club.

Q. Were they in the procession?—A. That was the report he made to me.

Q. Were you present on that occasion?—A. I was.

Q. Did you see 100 colored men in the procession?—A. I think I saw more than 100 colored men in the procession.

Q. Do you know whether or not there was an actual enumeration made of the men, boys, old men, and all in the procession on that occasion? I refer to colored men.—A. I think—I know, that an effort was made to get the strength of the procession.

Q. Do you know what number of colored men were estimated in that procession?—A. No, sir; I don't know the fact as to the relative proportion.

Q. Is it not a fact that there were just sixty-six in the procession, including old men and boys?—A. Not to my knowledge. My belief is that there were more than twice that number.

Q. It is simply a matter of belief with you? You took no pains to enumerate them yourself, did you?—A. No, sir. The best information I had was from the officer of a club. Of course I don't know anything about the truth of his statement, except that he is a reliable man.

Q. You said, on the occasion of the meeting about which this agreement which you have submitted here, that Judge Chisolm refused to carry out the agreement?—A. I did not intend to state that he refused. I only stated that he did not occupy the time allotted.

Q. Do you know of any reason why he did not?—A. I do not.

Q. Did you have any conversation with anybody at that meeting about any apprehension of a disturbance on that occasion?—A. I think I had, incidentally, with the chairman of the democratic executive committee, Captain Stokes.

Q. What did you say?—A. We were talking about the meeting, and they were discussing whether or not we should ask for a division of time.

Q. Did you have any conversation that day with a man by the name of Cavett?—A. None that I remember, except that already detailed.

Q. I think you stated that Cavett said to you, or to some other party, that he intended to take Mr. Chisolm away, did you not?—A. Take him off of the stand, is my recollection.

Q. Did he say that to you?—A. Yes, sir, or words to that purport.

Q. Mr. Cavett was a republican?—A. So classed.

Q. A member of the republican committee, was he not?—A. I do not know as to that.

Q. He was a somewhat prominent republican, was he not?—A. Well, sir, I don't know that I could say that he was. He was prominent, too, but I don't know anything about his influence in the party. He was a conspicuous member. That is the word I wanted to get at.

Q. You think he was a conspicuous member of the republican party?—A. Yes, sir.

Q. When this gentleman said that he proposed to take Judge Chisolm off of the stand, did he assign any reason?—A. None whatever.

Q. He did not say to you that this agreement that was made was to get Judge Chisolm off the stand, and that a difficulty might occur, and in the melee Judge Chisolm might get killed?—A. He did not.

Q. Nothing of that kind was said?—A. I tried to repeat his exact language as exactly as I could. I may have failed to give his precise words.

Q. In the campaign of 1875 you say there was some disturbance?—A. Yes, sir. I don't state of my own personal knowledge that I witnessed it.

Q. It was a matter of general notoriety?—A. Yes, sir. I believe the statements were true.

Q. Do you know whether or not during that canvass there were armed bodies of men who came from the adjoining State of Alabama into the county of Noxubee?—A. That has been so stated.

Q. Is it not a matter of notoriety and general belief in that community that those parties from Alabama came over there armed?—A. I only remember of one instance in which it was charged that Alabamians had visited the county.

Q. You only remember one instance?—A. That is all I remember.

Q. When was that?—A. During the month of August, 1875, as I now remember.

Q. How many men came over from Alabama?—A. I don't know. I have heard the number estimated from twenty-five to seventy-five, I think.

Q. Have you not seen these men yourself?—A. I never saw a man that I knew that was from Alabama; no, sir.

Q. Have you ever seen bodies of men that you were informed came from there?—A. I saw men on the occasion to which I refer.

Q. Where did you see them?—A. I saw them in the town of Macon.

Q. How many were there?—A. I suppose there were—they came in with a sheriff's posse, and I suppose there were one hundred or one hundred and fifty men in the posse; came in in charge of the deputy sheriff, Captain Lucas, the deputy of Captain Coner. I don't know what proportion of citizens of Noxubee, and what of Alabama.

Q. Did the sheriff of your county summon a posse from Alabama to execute any process of the court?—A. I don't think he did.

Q. You say this was a rumor?—A. No, sir; I saw the posse coming in, with the deputy sheriff at the head of the column.

Q. How do you know it was a posse?—A. Only from common rumor; for the same reason that I suppose Alabamians were in the party, because it was a matter of general notoriety.

Q. What was the occasion of summoning the posse?—A. Some disturbance had occurred between a white man and a negro in the county. That was detailed in the testimony of Mr. Cavett.

Q. And the sheriff had summoned a posse from Alabama?—A. My recollection is that the white was a relative of the sheriff, a nephew, perhaps. He had had some difficulty with a negro, and news came to the sheriff that trouble was apprehended, and he summoned a posse at Macon and sent them out under the charge of a deputy; and when they reached the scene of disturbance, my understanding, my information, is that a number of Alabamians were there. It was near the line between Alabama and Mississippi; and that the personal friends of the parties involved were there.

Q. Was it not a matter of notoriety and history, during the year 1875, that armed bodies of men from Alabama raided the counties adjoining on the line between Mississippi and Alabama—Lowndes County and Noxubee County and other counties on that line?—A. It was so charged in republican papers.

Q. Was that not the fact?—A. I don't think it was true as to Noxubee County.

Q. Do you think it was true as to any county?—A. I do not know.

Q. You stated in your examination-in-chief that there had been a division in the republican party in Noxubee County, in that congressional district, in 1875, and if I understood you correctly you assigned that as one reason for the change in the vote of that county in 1875.

Did I understand you correctly?—A. I think I have stated as far as you have repeated; and in addition to that, that a further cause was that some of the republicans, on account of the division——

Q. But that was one of the reasons you gave?—A. Yes, sir.

Q. Do you not know that these differences or divisions or dissensions, as you have denominated them, which occurred in the republican party in Noxubee County in 1875, were all adjusted, and the party was a unit on the day of election?—A. I did not.

Q. Did you not so state in your testimony?—A. I stated that the two republican tickets had been consolidated; that is, as to the county; that both republican candidates for Congress——

By Mr. MONEY:

Q. In 1875, is that?—A. I stated in 1875. There was no coalition between the parties as to congressman. Both republican candidates ran there.

By Mr. PEASE:

Q. Was there any division in the county of Noxubee as to the candidate for State treasurer in 1875?—A. No, sir.

Q. There was no division?—A. No, sir; none that I have any knowledge of.

Q. If there was no dissension in the republican party to your knowledge in 1875, as to the State ticket, how do you account for the falling off of the republican vote in the county in 1875?—A. I do not understand that there was any material falling off in 1875.

Q. "Quite material," I think you said?—A. I think there was an increase, if I understand it.

Q. In 1875?—A. The vote in 1875 was 772 greater than in 1873.

By Mr. MONEY:

Q. You mean the whole vote of the county?—A. Yes, sir.

By Mr. PEASE:

Q. I am speaking of the republican vote. Buchannon, I think you said, received 2,088?—A. Yes, sir; and Ames received 2,388.

Q. I think you stated that in the vote in 1873 for governor, Ames, the republican candidate, received 2,788 votes?—A. I did not so intend to state. The memorandum that I have before me states that the vote was 2,388, and if I did not so state, I intended to do so.

Q. You correct it now?—A. Yes, sir.

Q. That made a difference, then, of 300 votes; and the difference between the republican vote of 1876 and the republican vote of 1875 is something over 800 votes, is it?—A. No, sir; I think not. I can tell in a moment. Two thousand and eighty-eight.

Q. Hayes received 1,429?

The WITNESS. You were asking first about 1873 and 1875, and now about 1875 and 1876?

Mr. PEASE. Yes, sir.

A. Six hundred and fifty-nine was the difference between the republican vote of 1875 and 1876; 2,088 for Buckhannan and 1,429 for Hayes.

Q. How do you account for the difference in the vote?—A. I account for it in two ways: One is that the democratic ticket received more votes in 1876 than it did in 1875. That accounts for it in part; and the further reason is, that the vote of the county was 400 less—about 400 less than in 1875.

Q. The aggregate vote of the county?—A. Yes, sir.

Q. Was this falling off principally on the republican side or the democratic side?—A. I suppose that there was a greater falling off on the republican side, for the reason that the republican vote is relatively larger than the white vote—than the democratic vote.

Q. What is the relative vote between the whites and blacks in your county?—A. My recollection is that the white vote is 1,158 and the colored vote 4,023.

Q. You were born and raised in the South, you tell me?—A. I was.

Q. You are acquainted with the peculiar characteristics of the negro, and you have been raised among them, so that you have a very fair knowledge of their peculiar characteristics?—A. I think so; yes, sir.

Q. Are they not a docile and tractable people?—A. Naturally, I think they are.

Q. From your observation since the war and since they have been enfranchised, have they not generally voted the republican ticket?—A. I think they have.

Q. In your county the negroes generally voted the republican ticket?—A. Yes, sir.

Q. Up to 1875?—A. Yes, sir.

Q. How many negroes in your county voted the democratic ticket prior to that, from 1869 down?—A. I don't know.

Q. Do you know that any negroes voted?—A. I do not; and in addition to that I want to say that a great many democrats did not vote the democratic ticket, either, as the figures show. They stayed away from the polls.

Q. A great many did not vote any ticket, you think?—A. Yes, sir.

Q. The colored people generally regarded the republican party, its policy and principles, as more favorable to their interests as a race than the policy and principles of the democratic party, did they not? Was not that the general opinion entertained by them?

Mr. MONEY. I object to that question as being decidedly leading.

(Objection overruled.)

A. I think that idea was inculcated by the leaders of the republican party.

Q. (By Mr. PEASE.) Was it not a matter of fact that under republican policy and administration of the Government they were declared free and the right of suffrage extended to them? Were not these measures republican measures?—A. I believe the republicans have claimed the credit for those.

Q. From 1865 to 1870 were the negroes allowed to sit upon juries and exercise the right of suffrage?—A. They were never allowed until the right was given them by statute. I do not know at what time the laws were adopted—the amendments to the Constitution.

Q. Eighteen hundred and sixty-eight was the first time that they ever exercised the right, was it not?—A. I think it was; I am not positive. I know that I was not a voter myself until after the negroes had been voting.

Q. Do you not know that the democratic party who controlled and administered the affairs of the State government in 1865 and 1866 passed laws that infringed upon their rights as citizens, affecting their personal and property rights? Do you not know that as a matter of history?—A. Yes, sir.

Q. Do you not believe that the negroes generally know that fact and knew of it at the time?—A. I think that they were generally informed; and it was for that reason chiefly that they were compactly and solidly

organized against the white people, or because they were taught and did really believe the white people were their enemies.

Q. Was it not a matter of fact that such legislation was had under the democratic State legislature?—A. Yes, sir, it is; and I might go further and say that the white people of the State at the surrender were confronted with what they regarded as a very great peril to the institutions of the country, and that those laws were copied chiefly from the legislation of Northern States. Further, I am not apprised of the political complexion of the legislation of 1865.

Q. Do you not know that it was democratic? Was there not a democratic governor at that time?—A. I don't know about whether there was a democratic or military governor. I am not positive about that.

Q. Do you know who was governor of the State in 1865 and 1866?—A. General Sharkey. Judge Sharkey was appointed provisional governor in 1865.

Q. Who was governor in 1866?—A. I think General Humphreys.

Q. You say that the legislation of 1865 relating to freedmen was copied from statutes in the Northern States?—A. Mainly, as I understand, or as I conclude from statements.

Q. Have you ever examined these statutes yourself?—A. I have not. I have never examined anything on the subject except the statement published by General George, which professed or purported to be a digest of the legislation on that subject in all the States.

Q. Did you ever examine the statutes passed in 1865 and 1866 for raising revenue in the State?—A. I never did; I was a minor then; and to this day I have never read the laws of 1865 or 1866.

Q. Did you ever read a law or know of a law being passed in any Northern State imposing a poll-tax upon women?—A. I do not; I am not familiar with the legislation of any State there.

Q. I ask you if you know of any law being passed in any Northern State imposing a poll-tax upon women?—A. I answer I do not, and am not familiar with the statutes of other States.

Q. Do you not know that there was a law passed which imposed a poll-tax upon colored women and not upon white women in the State of Mississippi?—A. I do not.

Q. You do not remember about that?—A. No, sir.

Q. Did you ever hear of a statute or know of a statute being passed in any Northern State which required any citizens to have an employer on the first day of January of each year?—A. I did not.

Q. You never heard of such a statute?—A. I never heard of such a statute and never read the statutes of any other State.

Mr. MONEY. You made an objection a while ago and asked me to produce the statute. I will make the same objection now, and ask that the statute be produced.

Mr. PEASE. We will produce it. [To the witness.] Is it not a fact that such a statute was passed in the State of Mississippi?—A. I do not know. If such be the case, the law will show for itself.

Mr. MONEY. I want the statute produced now.

Mr. PEASE. I will produce it at the next session.

WASHINGTON, *February* 7, 1877—7 o'clock p. m.

ROBERT C. PATTY recalled.

(Hon. H. R. PEASE representing Senator TELLER, and Hon. H. D. MONEY representing Senator KERNAN.)

By Mr. PEASE:

Question. Now I ask you again whether or not there was such a statute passed by the democratic legislature of Mississippi in 1865, which required any citizen to have an employer on the 1st day of January?—Answer. I do not know that there was a democratic legislature in 1865; neither do I know that such a law was passed. My impression, however, is that such a law was enacted by the legislature of that year.

Mr. MONEY. What statute was that?

Mr. PEASE. The statute compelling a laborer to have an employer on and before the 1st day of January.

Q. Do you know whether there were any republicans in that legislature of 1865?—A. I do not. As heretofore stated, I am not aware of the political complexion of that legislature.

Q. Do you know that there was not a republican party in existence in Mississippi in 1865, as a matter of history?—A. I do not think the people had separated into parties at that time. My understanding is that some members of that legislature were afterwards prominent as leaders of the republican party.

Q. That some of them were?—A. Yes, sir; some of them.

Q. I ask you whether there was not a democratic party in existence in 1865 in Mississippi?—A. I do not know, sir, whether to say there was a democratic party or not.

Q. I ask you as a matter of history.—A. I suppose that is a historical fact.

Q. It is a historical fact?—A. Yes, sir.

Q. Is it not a historical fact that the democratic party had controlled the administration of the affairs of the State of Mississippi for a long period of time prior to the war, and during the war, and subsequent to the war?—A. That is my understanding.

Q. And that they elected Governor Humphries as governor?—A. That is my understanding.

Mr. PEASE. I want to submit this act which was passed during that administration. It was passed by the legislature of 1865, and approved November 25, by Governor Humphries.

[The following is a copy of the act:

AN ACT to confer civil rights on freedmen, and for other purposes.

SECTION 1. *Be it enacted by the legislature of the State of Mississippi*, That all freedmen, free negroes and mulattoes, may sue and be sued, implead and be impleaded, in all the courts of law and equity of this State, and may acquire personal property and choses in action, by descent or purchase, and may dispose of the same, in the same manner and to the same extent that white persons may: *Provided*, That the provisions of this section shall not be so construed as to allow any freedman, free negro or mulatto, to rent or lease any land or tenements, except in incorporated towns or cities, in which places the corporated authorities shall control the same.

SEC. 2. *Be it further enacted*, That all freedmen, free negroes, and mulattoes, may intermarry with each other in the same manner and under the same regulations that are provided for by law for white persons: *Provided*, That the clerk of the probate court shall keep separate records of the same.

SEC. 3. *Be it further enacted*, That all freedmen, free negroes and mulattoes, who do now and have heretofore lived and cohabited together as husband and wife, shall be taken and held in law as legally married, and the issue shall be taken as legitimate for all purposes. That

it shall not be lawful for any freedman, free negro or mulatto, to intermarry with any white person, nor for any white person to intermarry with any freedman, free negro or mulatto; and any person who shall so intermarry shall be deemed guilty of felony, and on conviction thereof shall be confined in the State penitentiary for life; and those be deemed freedmen, free negroes and mulattoes, who are of free negro blood, and those descended from a negro to the third generation, inclusive, though one ancestor of each generation may have been a white person.

SEC. 4. *Be it further enacted*, That in addition to cases in which freedmen, free negroes and mulattoes, are now by law competent witnesses, freedmen, free negroes or mulattoes, shall be competent in civil cases where a party or parties to the suit, either plaintiff or plaintiffs, defendant or defendants; also in cases where freedmen, free negroes and mulattoes, is, or are either plaintiff or plaintiffs, defendant or defendants, and a white p rson or white persons, is or are the opposing party or parties plaintiff or plaintiffs, defendant or defendants. They shall also be compe'ent witnesses in all criminal prosecutions where the crime charged is alleged to have been committed by a white person upon or against the person or property of a freedman, free negro or mulatto: *Provided*, That in all cases said witnesses shall be examined in open court on the stand, except, however, they may be examined before the grand jury, and shall in all cases be subject to the rules and tests of common law as to competency and credibility.

SEC. 5. *Be it further enacted*, That every freedman, free negro and mulatto, shall, on the second Monday of January, one thousand eight hundred and sixty-six, and annually thereafter, have a lawful home or employment, and shall have written evidence thereof, as follows, to wit: If living in any corporated town or village, a license from the mayor thereof, and if living outside of any incorporated city, town, or village, from the member of the board of police of his beat, authorizing him or her to do irregular and job work, or a written contract, as provided in section six of this act; which license may be revoked for cause at any time by the authority granting the same.

SEC. 6. *Be it further enacted*, That all contracts for labor made with freedmen, free negroes or mulatoes, for a longer period than one month shall be in writing, and in duplicate, attested and read to said freedman, free negro or mulatto, by a beat, city, or county officer, or two disinterested white persons of the county in which the labor is to be performed, of which each party shall have one, and said contracts shall be taken and held as entire contracts, and if the laborer shall quit the service of his employer before expiration of his term of service without good cause, he shall forfeit his wages for that year up to the time of quitting.

SEC. 7. *Be it further enacted*, That every civil officer shall, and every person may arrest and carry back to his legal employer, any freedman, free negro or mulatto, who shall have quit the service of his or her employer before the expiration of his or her term of service without good cause, and said officer and person shall be entitled to receive for arresting and carrying back every deserting employe aforesaid the sum of five dollars, and ten cents per mile from the place of arrest to the place of delivery, and the same shall be paid by the employer, and held as a set-off for so much against the wages of said deserting employé: *Provided*, That said arrested party after being so returned may appeal to a justice of the peace, or member of the board of police of the county, who on notice to the alleged employer shall try summarily whether said appellant is legally employed by the alleged employer and has good cause to quit said employer. Either party shall have the right of appeal to the county court, pending which the alleged deserter shall be remanded to the alleged employer, or otherwise disposed of as shall be right and just, and the decision of the county court shall be final.

SEC. 8. *Be it further enacted*, That upon affidavit made by the employer of any freedman, free negro or mulatto, or other credible person, before any justice of the peace, or member of the board of police, that any freedman, free negro or mulatto, legally employed by said employer, has illegally deserted said employment, such justice of the peace, or member of the board of police, shall issue his warrant or warrants, returnable before himself or other such officer, directed to any sheriff, constable, or special deputy, commanding him to arrest said deserter and return him or her to said employer, and the like proceedings shall be had as provided in the preceding section, and it shall be lawful for any officer to whom such warrant shall be directed to execute said warrant in any county of this State, and that said warrant may be transmitted without indorsement to any like officer of another county, to be executed and returned as aforesaid, and said employer shall pay the costs of warrants and arrest and return, which shall be set off for so much against the wages of said deserter.

SEC. 9. *Be it further enacted*, That if any person shall persuade or attempt to persuade, entice, or cause any freedman, free negro or mulatto, to desert from the legal employment of any person before the expiration of his or her term of service, or shall knowingly employ any such deserting freedman, free negro or mulatto, or shall knowingly give or sell to any such deserting freedman, free negro or mulatto, any food, raiment, or other thing, he or she shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars and not more than two hundred dollars, and the costs; and if said fine be not immediately paid, the court shall sentence said convict to not exceeding two months' imprisonment in the county jail, and he or she shall moreover be liable to the party injured in

damages: *Provided*, If any person shall, or shall attempt to, persuade, entice, or cause any freedman, free negro or mulatto, to desert from any legal employment of any person, with the view to employ said freedman, free negro or mulatto, without the limits of this State, such person, on conviction, shall be fined not less than fifty dollars and not more than five hundred dollars, and costs; and if said fine and costs shall not be immediately paid, the court shall sentence said convict to not exceeding six months' imprisonment in the county jail.

SEC. 10. *Be it further enacted*, That it shall be lawful for any freedman, free negro or mulatto, to charge any white person, freedman, free negro or mulatto, by affidavit, with any criminal offense against his or her person or property, and upon such affidavit the proper process shall be issued and executed as if said affidavit was made by a white person; and it shall be lawful for any freedman, free negro or mulatto, in any action, suit, or controversy pending or about to be instituted in any court of law or equity in this State, to make all needful and lawful affidavits as shall be necessary for the institution, prosecution, or defense of such suit or controversy. (But see amendatory act, page 23.)

SEC. 11. *Be it further enacted*, That the penal laws of this State, in all cases not otherwise specially provided for, shall apply and extend to all freedmen, free negroes and mulattoes.

SEC. 12. *Be it further enacted*, That this act take effect and be in force from and after its passage. Approved November 25, 1865.—*Pamphlet acts of* 1865, page 82.]

Q. Do you remember whether or not there was an act passed by the legislature of 1865, entitled "An act to regulate the relation of master and apprentice as relates to freedmen, free negroes, and mulattoes?"—A. I have no recollection on that subject. If such a law was passed, it is a matter of record, and will appear in the statutes.

Mr. PEASE. I desire to offer in evidence this act. It is entitled "An act to regulate the relation of master and apprentice as relates to freedmen, free negroes, and mulattoes."

Mr. MONEY. You do not submit this as a part of his testimony, do you? He says he knows nothing about it.

By Mr. PEASE:

Q. Do you not know, as a matter of history, that such an act did pass?—A. I have not read the law.

Q. Have you not heard that such a law was in existence?

The WITNESS. What is the title?

Q. "An act to regulate the relation of master and apprentice as relates to freedmen, free negroes, and mulattoes." It is what is known as "apprentice act" of 1865.—A. My information and impression is that such a law was passed, but I have no knowledge as to the provisions of the act, of the law.

Mr. PEASE. I desire to submit this act in evidence, which was approved by Governor Humphries, November 22, 1865.

AN ACT to regulate the relation of master and apprentice as relates to freedmen, free negroes, and mulattoes.

SECTION 1. *Be it enacted by the legislature of the State of Mississippi*, That it shall be the duty of all sheriffs, justices of the peace, and other civil officers of the several counties in this State to report to the probate courts of their respective counties semi-annually at the January and July terms of said court, all freedmen, free negroes, and mulattoes under the age of eighteen, within their respective counties, beats, or districts, who are orphans, or whose parent or parents have not the means, or who refuse to provide for and support said minors; and hereupon it shall be the duty of said court to order the clerk of said probate court to apprentice said minors to some competent and suitable person on such terms as the court may direct, having a particular care to said minor, to the interest of said minor: *Provided*, That the former owner of said minors shall have the preference when in the opinion of the court he or she shall be a suitable person for that purpose.

SEC. 2. *Be it further enacted*, That the said court shall be fully satisfied that the person or persons to whom said minor shall be apprenticed shall be a suitable person to have the charge and care of said minor, and fully to protect the interest of said minor. The said court shall require the said master or mistress to execute bond and security, payable to the State of Mississippi, conditioned that he or she shall furnish said minor with sufficient food and clothing, to treat said minor humanely, furnish medical attention in case of sickness, teach or cause to be taught him or her to read and write if under fifteen years old, and will con-

form to any law that may be hereafter passed for the regulations of the duties and relation of master and apprentice, *Provided*, That said apprentices shall be bound by indenture in case of males until they are twenty-one years old, and in case of females until they are eighteen years old.

SEC. 3. *Be it further enacted*, That in the management and control of said apprentices, said master or mistress shall have power to inflict such moderate corporeal chastisement as a father or guardian is allowed to inflict on his or her child or ward at common law: *Provided*, That in no case shall cruel or inhuman punishment be inflicted.

SEC. 4. *Be it further enacted*, That if any apprentice shall leave the employment of his or her master or mistress without his or her consent, said master or mistress may pursue and recapture said apprentice and bring him or her before any justice of peace of the county, whose duty it shall be to remand said apprentice to the service of his or her master or mistress, and in the event of a refusal on the part of said apprentice to so return, then said justice shall commit said apprentice to the jail of said county, on failure to give bond until the next term of the county court; and it shall be the duty of said court at the first term threafter to investigate said case, and if the court shall be of the opinion that said apprentice left the employment of his or her master or mistress without good cause, to order him or her to be punished as provided for the punishment of hired freedmen, as may be from time to time provided for by law for desertion, until he or she shall agree to return to his or her master or mistress: *Provided*, That the court may grant continuances as in other cases, *And provided further*, That if the court shall believe the said apprentice had good cause to quit his said master or mistress the court shall discharge said apprentice from said indenture, and also enter a judgment against the master or mistress for not more than one hundred dollars for the use and benefit of said apprentice, to be collected on execution, as in other cases.

SEC. 5. *Be it further enacted*, That if any person entice away any apprentice from his or her master or mistress, or shall knowingly employ an apprentice, or furnish him or her food or clothing without the written consent of his or her master or mistress, or shall sell or give said apprentice ardent spirits without such consent, said person so offending shall be deemed guilty of a high misdemeanor, and shall on conviction thereof before the county court be punished as provided for the punishment of persons enticing from their employer hired freedmen, free negroes, or mulattoes.

SEC. 6. *Be it further enacted*, That it shall be the duty of all civil officers of their respective counties to report any minors within their respective counties to said probate court who are subject to be apprenticed under the provisions of this act, from time to time, as the fact may come to their knowledge; and it shall be the duty of said court from time to time, as said minors shall be reported to them or otherwise come to their knowledge, to apprentice said minors as hereinbefore provided.

SEC. 7. *Be it further enacted*, That in case the master or mistress of any apprentice shall desire, he or she shall have the privilege to summon his or her said apprentice to the probate court, and thereupon, with the approval of the court, he or she shall be released from all liability as master of said apprentice and his bond shall be cancelled, and it shall be the duty of the court forthwith to re-apprentice said minor; and in the event any master of an apprentice shall die before the close of the term of service of said apprentice it shall be the duty of the court to give the preference in re-apprenticing said minor to the widow or other member of said master's family: *Provided*, That said widow or other member of said family shall be a suitable person for that purpose.

SEC. 8. *Be it further enacted*, That in case any master or mistress of any apprentice, bound to him or her under this act, shall be about to remove or shall have removed to any other State of the United States by the laws of which such apprentice may be an inhabitant thereof, the probate court of the proper county may authorize the removal of such apprentice to such State, upon the said master or mistress entering into bond with security, in a penalty to be fixed by the judges, conditioned that said master or mistress will, upon such removal, comply with the laws of such State in such cases: *Provided*, That said masters shall be cited to attend the court at which such order is proposed to be made, and shall have a right to resist the same by next friend or otherwise.

SEC. 9. *Be it further enacted*, That it shall be lawful for any freedman, free negro, or mulatto having a minor child or children to apprentice the said minor child or children as provided for by this act.

SEC. 10. *Be it further enacted*, That in all cases where the age of a freedman, free negro, or mulatto cannot be ascertained by record testimony the judge of the county court shall fix the age.

SEC. 11. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved November 22, 1865. (Pamphlet acts of 1865, page 86.)

Q. Did you ever in the course of your reading know of a statute passed by any State in this Union which fixed a penalty upon any person who was committed under a sentence or judgment of any court requiring the sheriff of the county, in the event that the party confined failed to pay the judgment or fine within five days, to hire out such per-

son so fined or against whom a judgment rested to any person who would pay such fine and cost? Did you ever know of any such statute in existence?—A. I have no information as to the legislation on that subject.

Q. You stated in your testimony, I believe, that you had heard, and it was generally believed (I believe that was the substance of it,) that the laws of 1865, to which I have referred in questioning you in relation to the influence the legislation of that year had upon the negro, were copied largely from legislation in northern States. I think that is what you stated?—A. My recollection is that I made a statement—that my statement on that subject was substantially as you have named, and further——

Q. (Interposing.) That will do. You say you did make that statement?—A. I wanted to explain.

Mr. PEASE. I do not care about the explanation.

The WITNESS. It is, perhaps, necessary that I should explain, to give you the idea.

Mr. PEASE. I do not want any explanation. The question was whether or not the witness did not state, as a portion of his testimony in the cross-examination, before the adjournment, that the legislation of 1865 and 1866 in the State of Mississippi was modeled upon northern legislation?

The WITNESS. Copied. That was the expression.

Q. (By Mr. PEASE.) Now, I ask you whether you ever read or knew of such legislation of the character which I have just described in any northern legislation?—A. I stated to-day I knew nothing in relation to the subject except as from such information——

Q. Never mind that. State whether you ever heard or knew of any such legislation of the character I have just described in any northern States?—A. As I remember my statement to-day I——

Q. That is not the question I am putting to you. I want to know now, whether you ever heard or read of the statute of the character I have just described here being passed in any legislature of any State in this Union?—A. If I answer that question categorically, will you let me explain my answer? I want to save time.

Mr. MONEY. I will give you an opportunity to explain hereafter.

Mr. PEASE. Answer that question.

The WITNESS. Nothing further than heretofore.

Q. (By Mr. PEASE.) Do you not know that such a statute as that passed the legislature in 1865 of the State of Mississippi?—A. I have already stated that my impression is that such a law was passed. I have never seen the law, however.

Mr. PEASE. I desire to read the law and submit it. I will read section 9 of an act which passed the legislature of 1871 relating to the payment of fines and forfeitures:

SEC. 9. *Be it further enacted*, That any person who shall stand committed by the sentence or judgment of said county court until such fine, penalty, or forfeiture is paid, may be discharged from such custody or commitment under the provisions of article 310, section 19, chap. 61, of revised code: *Provided*, The notice required in such cases shall be served upon the chief presiding judge of said county court: *Provided further*, That in case a freedman is committed, and either he or his employer fails for five days to pay his fine or penalty, the sheriff shall hire such freedman to any person who will pay such fine and costs for the shortest term of service for such freedman; and in case the fine and costs are paid by the employer, he may retain it out of any wages then due the freedman, or that may thereafter become due him.

[See Pamphlet Acts of 1865, page 71.]

(To the witness.) Did you ever know of any legislature in any northern State affixing a penalty upon a citizen for the failure of payment of

taxes; the penalty of being declared a vagrant, and subject to the penalties of vagrancy?—A. I have no knowledge of any such legislation.

Q. Is it not a fact, a matter of history, that in the legislation of 1865, in the State of Mississippi, such an act was passed?—A. I presume it is, if such an act appears in those statutes.

Mr. PEASE. I desire to submit that law; it was an act entitled "An act to amend the vagrant laws of this State," approved November 24, 1865, by Governor Humphries.

AN ACT to amend the vagrant laws of this State.

SECTION. 1. *Be it enacted by the legislature of the State of Mississippi*, That all rogues and vagabonds, idle and dissipated persons, beggars, jugglers, or persons practicing unlawful games or plays, runaways, common drunkards, common night-walkers, lewd, wanton or lascivious persons, in speech or behavior, common railers and brawlers, persons who neglect their calling or employment, misspend what they earn, or do not provide for the support of themselves or their families or dependents, and all other idle and disorderly persons, including all who neglect all lawful business, or habitually misspend their time by frequenting houses of ill-fame, gaming-houses, or tippling-shops, shall be deemed and considered vagrants under the provisions of this act, and on conviction thereof shall be fined not exceeding one hundred dollars, with all accruing costs, and be imprisoned, at the discretion of the court, not exceeding ten days.

SEC. 2. That all freedmen, free negroes, or mulattoes, in this State over the age of eighteen years, found on the second Monday in January, 1866, or thereafter, with no lawful employment or business, or found unlawfully assembling themselves together, either in the day or night time, and all white persons so assembling with freedmen, free negroes, and mulattoes, or usually associating with freedmen, free negroes, and mulattoes, on terms of equality, or living in adultery or fornication with a freed woman, free negro, or mulatto, shall be deemed vagrants, and on conviction thereof shall be fined in the sum of not exceeding, in the case of a freedman, free negro, or mulatto, fifty dollars, and a white man two hundred dollars, and imprisoned at the discretion of the court, the free negro not exceeding ten days, and the white man not exceeding six months.

SEC. 3. *Be it further enacted*, That all justices of the peace, mayors, and aldermen of incorporated towns and cities of the several counties in this State, shall have jurisdiction to try all cases of vagrancy in their respective towns, counties, and cities, and it is hereby made their duty whenever they shall ascertain that any person or persons in their respective towns, counties, and cities are violating any of the provisions of this act, to have said party or parties arrested and brought before them and immediately investigate said charge, and on conviction punish said party or parties as provided for herein; and it is hereby made the duty of all sheriffs, constables, town constables, city marshals and all like officers to report to some officer having jurisdiction, all violations of any of the provisions of this act, and it shall be the duty of the county court to inquire if any officers have neglected any of the duties required by this act, and in case any officer shall fail or neglect any duty herein, it shall be the duty of the county court to fine said officer, upon conviction, not exceeding one hundred dollars, to be paid into the county treasury for county purposes.

SEC. 4. *Be it further enacted*, That keepers of gaming-houses, houses of prostitution, all prostitutes, public or private, and all persons who derive their chief support in employments that militate against good morals, or against law, shall be deemed and held to be vagrants.

SEC. 5. *Be it further enacted*, That all acts and forfeitures collected under the provisions of this act shall be paid into the county treasury for general county purposes, and in case any freedmen, free negro, or mulatto shall fail for five days after the imposition of any fine or forfeiture upon him or her for violation of any of the provisions of this act to pay the same, that it shall be, and is hereby made, the duty of the sheriff of the proper county to hire out said freedman, free negro, or mulatto to any person who will, for the shortest period of service, pay said fine or forfeiture and all costs: *Provided*, A preference shall be given to the employer, if there be one, in which case the employer shall be entitled to deduct and retain the amount so paid from the wages of such freedman, free negro or mulatto then due or to become due, and in case such freedman, free negro, or mulatto cannot be hired out, he or she may be dealt with as a pauper.

SEC. 6. *Be it further enacted*, That the same duties and liabilities existing among white persons of this State shall attach to freedmen, free negroes, and mulattoes to support their indigent families, and all colored paupers, and that in order to secure a support for such indigent freedmen, free negroes, and mulattoes, it shall be lawful, and is hereby made the duty of the board of county police of each county in the State, to levy a poll or capitation tax on each and every freedman, free negro, or mulatto between the ages of eighteen and sixty years, not to exceed the sum of one dollar annually to each person so taxed, which tax when collected shall be paid into the county treasurer's hands, and constitute a fund to be called the freedmen's pauper fund, which shall be applied by the commissioners of the poor of the freed-

men, free negroes, and mulattoes of this State, under such regulations as may be established by the board of county police in the respective counties in this State.

SEC. 7. *Be it further enacted*, That if any freedman or free negro or mulatto shall fail or refuse to pay any tax levied according to the provisions of the sixth section of this act, it shall be *prima facie* evidence of vagrancy, and it shall be the duty of the sheriff to arrest such freedman, free negro, or mulatto, or such person refusing or neglecting to pay such tax, and proceed at once to hire for the shortest time such delinquent tax-payer to any one who will pay the said tax, with accruing costs, giving preference to the employer, if there be one.

SEC. 8. *Be it further enacted*, That any person feeling himself or herself aggrieved by the judgment of a justice of the peace, mayor, or alderman, in cases arising under this act, may within five days appeal to the next term of the county court of this proper county, upon giving bond and security in a sum not less than twenty-five dollars, nor more than one hundred and fifty dollars, conditioned to appear and prosecute said appeal and abide by the judgment of the county court, and said appeal shall be tried *de novo* in the county court, and the decision of said court shall be final.

SEC. 9. *Be it further enacted*, That this act be in force and take effect from its passage.

Approved November 24, 1865.

[Pamphlet Acts of 1865, page 90.]

Q. Was not Mr. Humphries, the governor of Mississippi in 1866, a democrat at that time?—A. I do not know. My information is that he was voted for by all classes of the people, without reference to party lines, and that those men who are now regarded as the best members of the republican party, or among them, supported him for the position.

Q. Do you know what his politics were in 1868, when he ran against Governor Eggleston?—A. I think he was a democrat.

Q. You think he was?—A. Yes, sir.

Q. You think he changed his politics from 1865 to 1868?—A. I have no information whatever upon the subject.

Q. But in 1868 he was the democratic candidate for governor?—A. Yes, sir. My understanding is that he has been an avowed democrat ever since.

Q. I think you stated that you had been acquainted with the peculiar characteristics of the negro, when he was a slave and when he was a freedman. Do you not know that the legislation of the character to which we have just referred, infringing upon his rights as a citizen, would have a tendency to prejudice him against the party which held the administration or controlled the administration of the government?—A. I think it would. In fact I am satisfied that it would.

Q. Do you know how many negroes in the State of Mississippi can read?—A. I do not.

Q. You have no knowledge of that?—A. No, sir; the number is increasing yearly.

Q. There are a large number of negroes in your county, who can read and write?—A. Yes, sir; quite a number.

Q. A larger number than could read in 1869?—A. Yes, sir; I suppose so. There were very few then.

Q. A great many of their preachers could read, could they not?—A. I presume that their preachers could all read. I do not know. I do not know anything as to the number of preachers.

Q. Do you know whether or not the preachers were in the habit of laying before their congregations, and before their friends and neighbors, the fact that the democratic party had passed such legislation?—A. It was frequently charged that the preachers harangued their congregations upon political matters more than religious.

Q. I ask you whether it was not the fact that it was common for them to read these laws and to talk about them?—A. I have no positive information on the subject. My impression is, however, that they did. It would have been natural for them to have done so.

Q. That, possibly, would have had a tendency to prejudice their minds against the democratic party, would it not?—A. I think so, sir.

Q. Was not the fact of the negroes voting as a unit, generally, altogether owing to parties organizing with the ordinary party appliances, and that they did have certain grievances which would have a tendency to prejudice them against a party which would pass such laws?—A. I believe that the unfriendly and unwise legislation of 1865 was the basis of the negro being arrayed against the white people; and I have no kind of apology for the legislation. I regard it as unwise and unfortunate in the extreme; but, as I have already stated, our people were ignorant as to what was best to be done.

Q. What do you understand by the colored people being arrayed against the white people?—A. My definition of that is, that they believed their interest to lie in an exactly opposite direction from the whites. They were taught to regard their interests as directly in opposition and conflict with the whites.

Q. You mentioned the fact that they were taught to do this. Did you ever hear anybody teach them to array themselves against the white people in that State?—A. Not teaching, to apply the word technically; not as we understand the word as it is used in teaching; but it was the burden of all the republican speeches that I heard. That was the chief argument that was used.

Q. Will you state an instance when you heard a republican speaker attempt to array the negroes against the whites, *per se*?—A. I cannot state that I ever heard any republican speaker attempt to array the negroes against the whites *per se*, because the whites were whites, and the blacks were blacks.

Q. There were a great many white people connected with the republican party, were there not?—A. I do not know from my knowledge in Mississippi.

Q. Do you not know that many of the white citizens of Mississippi were prominent men in the republican party?—A. Some were; and men that I esteem as highly as any men in the State.

Q. Do you not know that at least fifteen thousand native white people of Mississippi have voted the republican ticket, from time to time, since 1869 up to 1875?—A. I suppose that many have voted the ticket within the time named.

Q. Then the negroes were not arrayed entirely against the white people, if they acted with them politically?—A. Not exclusively. In our county there were just about enough white people with the republican party to hold the offices, and it was regarded as a close corporation.

Q. Regarded so by the democrats?—A. Yes, sir. In fact I have heard it intimated sometimes that the democrats were a little anxious to get in and divide the spoils, but they were excluded.

Q. Is it not a fact of notoriety in the State of Mississippi that leading and prominent democrats, in the various counties of the State, urge, as a matter of party policy, that the negroes should be put forward for office?—A. I cannot say that it was, to my knowledge. My impression is that democrats took advantage of all that could be gained by making that suggestion.

Q. Did they not urge the negroes to run for office, on the ground that they were natives of the soil, against the carpet-baggers and scalawags, as they were called?—A. I do not know that they did.

Q. Do you not know that such a policy as that was advised by the press of the State?—A. I have seen occasional articles in the news-

papers that were intended directly or specially for the colored people, saying that they had as good a right to the offices as the people who were candidates.

Q. Do you not know, as a matter of fact, that the first colored man nominated for a State office was nominated by the democratic party?—A. I do not. You refer, I presume, to St. Clair, who was nominated for secretary of state?

Mr. PEASE. Yes, sir.—A. My understanding was that a colored republican was nominated for office previous to the nomination of St. Clair.

Q. Do you recollect the date of that convention?—A. I do not. In 1869 is my impression.

Q. You do not remember the date of that convention?—A. I do not.

Q. I think you stated in your examination-in-chief that one of the causes of the change in political sentiment throughout the State, and particularly in your county, was in consequence of the high taxation under republican administration of the State, municipal, and county affairs; that was the substance of the statement you made, was it not?—A. That is my recollection of my testimony.

Q. Do you recollect the maximum taxation under republican administration from 1869 to 1875?—A. I do in Noxubee County.

Q. You do not in the State?—A. No, sir. I presume I can give the figures by reference to documents. Twenty-eight mills was the maximum in Noxubee County—State and county.

Q. What year was that?—A. That was in 1874.

Q. Do you not know that there was a law regulating and limiting the amount of taxation to twenty-five mills on the dollar in 1874?—A. I believe that such a law was in force. I am quite positive, however, that the taxation in Noxubee County, for the year named, was twenty-eight mills.

Q. Are you positive of it?—A. I am, emphatically.

Q. That was in what year?—A. 1874. Great complaint was made by the tax-payers because of it.

Q. Do you know what the maximum taxation in your county was in 1870?—A. I do not.

Q. In 1871?—A. Yes, sir.

Q. Have you the figures for 1871?—A. I believe I have it in a paper here. The figures are contained in a table that I furnished to-day. If I had that paper which I furnished this morning I could give it to you exactly.

Q. It is immaterial. Can you approximate about the amount of taxation in Noxubee County in the year 1870? That was the first year of republican administration.—A. I believe—I state now from memory—it was eighteen mills.

Q. About eighteen mills?—A. About eighteen mills.

Q. What was it in 1871, as near as you can recollect?—A. Perhaps it was fourteen in 1870, and about eighteen in 1871; and between eighteen and twenty-eight for the years intervening between 1871 and 1875. If it is important, I can furnish the concise figures.

Q. The taxation you think has increased in that county from 1870 on up to 1874?—A. Yes, sir.

Q. Do you know whether or not there were any public improvements in your county from 1870 up to 1874 which would increase taxation, such as building bridges or county houses?—A. In the Macon Beacon, a newspaper printed and published——

Mr. PEASE. [Interposing.] I want you to answer the question.

The WITNESS. I can answer it by giving this, which gives all expenses in the county at that time.

Mr. PEASE. This was in 1872. I am now speaking of 1870. If you see proper to introduce that you can introduce it afterward. I am asking the fact whether or not there were any public improvements requiring an additional expenditure of the county funds.

The WITNESS. In 1870?

Mr. PEASE. Anywhere from 1870 to 1874 when taxation was increased?

A. I know of no public improvements to require an increase of taxation.

Q. Do you not know that there were some ten or fifteen thousand dollars appropriated from the county funds to make certain repairs on the court-house in 1873?—A. Yes, sir; but your inquiry, as I understood it, was in reference to the year 1870.

Q. Between 1870 and 1874 this taxation had increased from fourteen mills to twenty-eight mills?—A. Between the 1st of January, 1872, to the 13th of July, 1875, $15,101.25 were applied to court-house purposes.

Q. Were there any bridges built during that time?—A. During the same time $13,773.89 were paid on account of bridges.

Q. Do you know whether or not there were certain jail repairs?—A. There were.

Q. And building jails?—A. For that item the sum of $6,060.12 was paid for a jail and $9,102.90 for jail guards. That is a part of the jail expense.

Q. I am asking about whether or not there were any moneys appropriated for the building or repairing of the jails?—A. Yes, sir.

Q. How much was that?—A. During the time named that was $6,000 in round numbers. In connection with that——

Mr. PEASE. Never mind; that answers my question. Answer my questions categorically.

The WITNESS. I will be glad if you will suggest that to Colonel Money, so that I can explain it afterward. That is, about the sale of the old jail to build a new one.

Mr. MONEY. I will ask about that.

Q. (By Mr. PEASE.) Do you not know, as a matter of fact, that between the year 1870 and the year 1874 you organized in the county of Noxubee the first free-school system ever organized in that county?—A. I do.

Q. Will you state whether or not there were certain expenditures for the building of school-houses?—A. There were certain expenditures, amounting to $550, for school-houses.

Q. During all that period of time?—A. During all that period of time; and the superintendent got four hundred——

Mr. PEASE. [Interposing.] Never mind that. Answer my question.

A. $550, is my recollection, for school-houses.

Q. I speak of the years 1870 to 1874. What expenditures were made during that time?—A. Between the 1st of January, 1872, I think—I don't know of any expenditures prior to that time for that purpose.

Q. Can you state the amount of expense incurred upon the county for carrying on the school system of Noxubee County between the years of 1872 and 1874?—A. I can, between the 1st of January, 1872, and the 13th of July, 1875.

Q. Just give the round amount?—A. The superintendent of public instruction——

Q. Never mind the item. Give it in round numbers. I want to know the entire amount.—A. The whole amount paid out for school purposes,

including the pay to superintendent and directors and teachers, amounted to $77,389.11. This amount is in addition to the $550 I mentioned in the previous answer.

Q. These expenses for building the jail, bridges, purchasing school-sites, the payment of school-teachers and school officers, were expenses incurred during the republican administration?—A. Yes, sir.

Q. The republican administration of the affairs of the county and of the State?—A. That is my understanding.

Q. Before this year, no expenditures of money in your county were required for keeping up schools and the payment of teachers and school officers, because you had no such system there, as I understand you?—A. That is my understanding.

Q. These expenses, then, would have increased necessarily the tax of your county?—A. That is, the school expenses.

Q. Do you not know that in 1875 the republican legislature reduced the maximum of taxation in the State from twenty-five mills to twenty mills?—A. I do; reduced it to twenty from whatever it was previous to that time.

Q. I think you stated in your direct examination that the republican legislature had paid no attention and made no response to the tax-payers' demand for a reduction of taxes, and yet you state now that there was a reduction from whatever it was to twenty mills.—A. I am not certain that that reduction was made after the petition of the tax-payers or in consequence of the appeal.

Q. Is it not a matter of record that it was after?—A. I can't say. The record will speak for itself, if such be the case.

Q. State whether or not if the republican legislature of 1875 reduced the State tax from fourteen mills to nine and a quarter mills?—A. That is my understanding; and imposed upon the counties the payment of judiciary expenses, which had been previously paid by the State.

Q. Did they not, while they changed the payment of the criminal-jury expense from the State to the county, limit the total taxation of the State and counties to twenty mills?—A. That is the fact, but they imposed——

Q. [Interposing.] That will do. You stated that the maximum taxation of 1876, under democratic administration, was how much?—A. Six and a half mills State tax.

Q. The aggregate?—A. Ten mills for the county of Noxubee. I don't know what it was in other counties in the State.

Q. Do you know whether the democratic legislature of 1876 limited the taxation in the State for State and county purposes?—A. I think they did.

Q. Do you recollect the maximum limit?—A. As I always stated, the tax for State purposes was six mills and a half. The counties were limited to ten mills. It was necessary to go to the limit in our county.

Q. I am speaking about the State now. Was it not a fact during the republican administration of affairs in Mississippi that a State school-tax was levied of four mills on the dollar at one time for educational purposes?—A. That is the fact; such a tax was levied one year; the year following it was reduced to two mills.

Q. And the year following the republicans had control of the State?

The WITNESS. When they reduced it to two mills?

Mr. PEASE. Yes, sir.

A. Yes; sir.

Q. Now I want to ask you whether or not under the democratic administration, in the reduction of the State tax from nine and a quarter to

six mills, they took off the State school-tax of two mills and placed it upon the counties?—A. They did not.

Q. You say they did not?—A. They did not.

Q. Did they not repeal the law requiring the levy of a State tax for school purposes?—A. They did, but passed another law.

Q. That will do. You say they did?—A. I withdraw that answer unless I am allowed to explain.

Q. I will put the question to you again, whether they did not repeal the law levying a State tax of two mills on the dollar for school purposes?—A. They did repeal that law, or at least made other provisions for the two mills.

Q. Did not they repeal the State assessment of two mills?—A. That law was repealed, but the schools of the county were not deprived——

Q. That will do. I understand about the schools of the country; I am speaking about taxation now. As a matter of fact, how much actual reduction of tax has been made under democratic administration?—A. State tax?

Q. Give me in round numbers how many mills on the dollar?—A. Two and three-fourths.

Q. They have reduced it two and three-quarters?—A. Yes, sir; they reduced it two and three-quarters in 1876, and they reduced it for 1877 to five and a half; from nine and a quarter in 1875 to five and a half in 1877; six and a half in 1876 and five and a half in 1877.

Q. Will you state whether or not at the end of the fiscal year in 1875 the State indebtedness of Mississippi was less than half a million dollars? I mean the State indebtedness created under the republican administration from 1870 to 1875. Is that not a matter of public record?—A. I am not able to state positively. My impression is, however, that it was larger. I have the figures that I can refer to if necessary.

Q. Do you recollect the amount of money in the State treasury at the end of the fiscal year of 1875?—A. I do not.

Q. Do you not know that there was something over four hundred thousand dollars of money that had accrued from fines and liquor licenses that were appropriated to the school-fund?—A. My understanding is that that fund was not in the treasury; that it had been applied to State purposes.

Q. Under a republican administration?—A. That is my understanding; that the accumulation of fines and forfeitures and retail liquor licenses—the law required it to be invested in United States bonds and the interest distributed annually.

Q. That was the law?—A. That was the law; but that law was not complied with.

Q. Did you not know that the democratic legislature in 1876 appropriated that money belonging to the school-fund, amounting to over four hundred thousand dollars in cash to the payment of the current expenses of the Government?—A. I do not.

Q. You do not know it as a matter of fact?—A. I do not.

Q. Have you not heard that it was?—A. I have not; on the contrary I have heard——

Q. (Interposing.) Never mind about what you heard "on the contrary," I simply ask you the question whether you have not heard it?—A. I have not.

Q. You have mentioned something in your examination-in-chief in relation to the failure of the republican legislature to heed the petition of the tax-payers' convention?—A. My recollection is that I stated sub-

stantially that the remonstrances contained in the appeal were virtually ignored.

Q. Now state whether the democratic legislature of 1876 or 1877 have complied with the request of the tax-payers' convention?—A. My understanding is that they have in a measure; at least, I have heard no complaint since 1876 on the subject.

Q. I want to ask you whether or not, as a matter of public notoriety, this tax-payers' convention passed a resolution in words to this effect:

Resolved, That it is the duty of the legislature to open the way for a deduction of taxes by at once cutting down expenditures in all the departments of government; and as an earnest of their zeal and determination in this regard they be requested to commence the good work by reducing their own pay to the sum of two hundred and fifty dollars for the two years, and two dollars for every twenty miles' travel in going to and returning from the seat of government.

This resolution relates to the legislature. I want to know whether that tax-payers' convention did not pass such a resolution?—A. If it appears in their proceedings, I presume they did.

Q. Has the legislature of Mississippi, under the democratic administration of 1876 and 1877, complied with those resolutions?—A. They have not; but have provided for——

Mr. PEASE. (Interposing.) That has nothing to do with it. I object to your putting it in now.

The WITNESS. I do not want to volunteer anything. I want to get it as precisely as possible.

Q. Do you know the date at which this tax-payers' convention was held in the city of Jackson?—A. I think it was in 1875.

Q. About what time of the year was it? Was it early in the year?—A. I cannot state positively as to the time.

Q. Do you think it was about January or February?—A. I think it was before the first of May. I cannot state as to the month.

Q. Was not the legislature in session at that time? Was it not in the beginning of the legislature?—A. My recollection is that both bodies were in session about the same time. I cannot state which assembled first.

Q. Do you know whether or not that tax-payers' convention passed this resolution:

It is the duty of the legislature to meet only once in two years, which is practicable under the present constitution, and continue in session so long as business actually requires and no longer.

Do you remember that, as a matter of public notoriety, such a resolution was passed at the tax-payers' convention?—A. I think, sir, such a resolution was passed.

Q. Will you state whether or not the democratic legislature of 1876 paid any heed to that resolution?—A. My recollection is that such a law was adopted.

Q. Have they not met every year?—A. They have had two sessions since being elected; but my recollection is that a law has been adopted providing——

Q. They met in 1876?—A. Yes, sir.

Q. And they met again in 1877, did they not?—A. Yes, sir; they did.

Q. I want to know whether it is a matter of public record that the republican legislature of 1875 passed a resolution, as required by the constitution of the State, to amend the constitution so as to secure biennial sessions of the legislature?—A. I don't remember.

Q. Do you not know that that amendment of the constitution was sub-

mitted and voted upon in the election of 1875?—A. There were three amendments voted upon as I remember.

Q. Do you not remember that that was one of them?—A. I am not positive; but I believe that it was, and I think it was under that provision that the law was adopted by the present legislature—under that amendment.

Q. I want to ask you whether at this same convention this resolution was passed:

Resolved, That these resolutions apply in all their power to the county governments, and that said county governments be restrained in the exercise of the taxing power, so that the whole amount of county taxes shall in no case exceed one-half the whole amount of State taxes in any given year, and when this maximum is exceeded the whole county levy be void.

State whether or not such a resolution as that was passed.—A. I presume such a resolution was passed, if it appears in the proceedings.

Q. What is the present rate of county taxation in Noxubee?—A. The tax for the last fiscal year for 1876 was ten mills.

Q. Was that under democratic administration?—A. Under democratic administration.

Q. That is twice the State tax, is it not?—A. No, sir; the State tax was six and a half.

Q. It is nearly twice the State tax?—A. Six and a half and ten—thirteen would be twice.

Q. Then the democrats either in the State or counties did not comply with this resolution?—A. No, sir; no such resolution was complied with in Noxubee County.

Q. You stated that you formerly lived in Winston County?—A. I did.

Q. That county is very near Noxubee County, is it not?—A. Adjoining.

Q. You were familiar with the county administration of Winston, were you not?—A. I am not. I have not been in the county since I removed to Noxubee.

Q. I think you stated that in 1874 the county levy of Noxubee was fourteen mills on the dollar?—A. In 1874.

Q. At the time the whole tax was twenty-eight mills?—A. My recollection—I am positive that the whole amount of tax was twenty-eight mills; that the rate of tax was twenty-eight mills. I don't know in what proportion it was divided. My impression is that the county got one-half and the State one-half.

Q. Did you not know what the State tax was for that year? Did you not know that it was not over fourteen mills—State and school?—A. My understanding is that the State levied a tax amounting to eighteen mills, and that the law provided that four mills of that——

Q. You are not positive of that?—A. I am positive that the tax was twenty eight mills.

Q. But you are not positive that the State tax of 1874 was eighteen mills?—A. I am not positive, but can state positively if I am shown the paper that I submitted to-day. Twenty-eight mills was the total tax.

Q. You have no recollection, then, as to the exact amount of county tax over and above the State tax in Noxubee? Did you not know that it was about fourteen mills?

The WITNESS. The county tax?

Mr. PEASE. The county tax over and above the State tax.

A. I cannot state without seeing the paper I presented to-day.

Q. You said you did not know what the law was governing the max-

imum limit of State tax.—A. Yes, sir; I stated, as I remember, that the law limited the maximum tax to twenty-five mills.

Q. I am speaking now of the State tax. There was a limit to the State tax, and under the law the counties were prohibited from levying, I think you stated, to a certain per centum of the State tax.—A. No, sir; I did not so intend to state. My understanding is that the law provided that the county and State tax for any one fiscal year should not exceed twenty-five mills; but the fact is that it was twenty-eight in Noxubee.

Q. In 1874?—A. Yes, sir.

Q. You do not know, then, whether or not the actual county tax of Noxubee was fourteen mills?—A. I am not positive as to the division of the twenty-eight mills.

Q. In 1874, Noxubee County was under a republican administration?—A. Yes, sir.

Q. Do you recollect the limit of taxation in 1875?—A. Twenty mills. I desire to state, when I am cross-examined, something in connection with the levy in our county.

Q. Simply answer my questions now. The county of Winston has been under a democratic administration ever since the reconstruction, has it not?—A. I think it has.

Q. Do you not know that in the county of Winston in 1874 the taxation was sixteen mills on the dollar?—A. I have no knowledge whatever as to the tax of Winston County.

Q. Is Winston County a smaller county than Noxubee?—A. Yes, sir.

Q. Do you know the population of Winston County?—A. I do not.

Q. But it is a much smaller county?—A. Much smaller.

Q. So then, from what we have drawn from your testimony in relation to taxation, there has been under a democratic administration a reduction of some two mills or more. Now I want to ask whether or not the fact of taxation in 1875 had the effect to make a change of political sentiment throughout the State.—A. I am unable to state, for the reason that I know——

Q. Did you not state in your examination-in-chief that that was one of the causes that led to a change of public sentiment and induced many colored men to vote the democratic ticket?—A. I don't think I spoke except as to Noxubee County.

Q. Then, as a matter of fact, in Noxubee County you state that the negroes were induced to change their political sentiments because of the excessive taxation?—A. I think that was one of the reasons operating to produce a change, or one of the causes operating.

Q. Is it not a fact that in the canvass of 1875 and in the canvass of 1876 the democratic speakers particularly presented the idea that the white people were tax-payers, and not the negroes? Was not that statement presented pretty generally, that they were tax-payers, and that they would not stand this republican administration and these negroes in office, and that they would have their own people, who were the tax-payers?—A. So far as my personal knowledge goes, the argument was that they pay the taxes directly.

Q. Was not that argument used?—A. It was not to my knowledge.

Q. Did you never hear any such speeches?—A. No, sir.

Q. Did you ever read such sentiments as those in the democratic press of that State?—A. I think I have read such a statement as that.

Q. Did you read it in the Macon Beacon, published in your own town?—A. I don't remember it.

Q. Do you not think it is possible that it was published in it?—A. I do.

Q. If the negroes were tax-payers, and if that sentiment generally prevailed——

Mr. MONEY, (interposing.) He didn't say it generally prevailed.

Q. If it prevailed to any extent when the argument was used that the negroes were not tax-payers, but the whites——

Mr. MONEY, (interposing.) I object to putting a supposititious case.

Q. I will put it in another form. Is it a matter of fact that the negroes did pay the taxes generally?—A. I think they paid indirectly as large, perhaps a larger, proportion of the tax. They were the laborers, the chief or principal laborers, in the county.

Q. What is the relative population, white and black, in your county? I do not care about the exact figures, but give it as near as you can.—A. Judging from the registered vote, I would say the black is to the white as four is to one. That is merely an estimate.

Q. In your opinion, what proportion of the taxes in that county do the negroes pay "indirectly," as you express it?—A. I am unable to say.

Q. Can you not give an opinion?—A. I cannot.

Q. Have you any knowledge of the relative amount of taxes paid by the white people of that county?—A. I don't know that I understand your question.

Q. As to the relative amount of taxes collected from the two races, whites and blacks, what proportion do the whites of your county pay?

The WITNESS. The tax on real and personal property?

Mr. PEASE. Yes, sir.

A. I am unable to state that. As I have answered previously, I don't know the relative proportion of property owned by whites and blacks. Of course the poll-tax was paid by every man alike, on each head.

Q. I desire to ask you one more question before I leave this branch of the examination, relating to the effect of taxation and of maladministration, which you have mentioned in your examination-in-chief, upon the voters of the State, to change their political sentiments. I want to ask you whether you did not think or believe that if the democratic party of Mississippi had accepted the reconstruction acts and the amendments to the Constitution, the colored voters would have voted, or a large majority of them, with the white people of the State.

The WITNESS. You ask me for my opinion?

Mr. PEASE. Yes, sir; as to what you think.

A. Of course I could only give an opinion. My impression is that they would have done so, and I believe they did as soon as they were assured——

Q. You need not volunteer any more. You answered that they would. There is one other matter that I desire to question you about. I think you stated that the change of the vote in Noxubee County was brought about through the negroes becoming convinced that taxes were too high in consequence of some misdoings of public officers. I want to know whether or not, in the county of Winston, somewhere about the year 1871, there were some thirty or forty school-houses burned by bodies of men known as Ku-Klux at that time?—A. I have no personal knowledge of such burnings. I have not been in the county since 1869. I have been informed that a number of school houses were burned.

Q. They were mostly school-houses where freedmen or colored people were taught?—A. I don't know as to that.

Q. Was it not a matter of general notoriety and a matter of history, that the freedmen's school-houses and buildings used for this purpose

were destroyed? Were there not a number of circumstances in Winston County?—A. I don't know as to the number or as to the character of the school-houses that were burned.

Q. Do you not know that there were school-houses burned in Noxubee County?—A. I do not.

Q. Do you not know that there was a school-house burned which was said to be work of an incendiary, and reported as having been incendiary work of "Ku-Klux" in the town at Mashulaville, in Noxubee County; and wasn't that reported in the Macon Beacon?—A. I am not positive; my recollection is that a school-house was burned near that place—a school-house, or church. Perhaps it was a church used for school purposes.

Q. It was a school or church?—A. That is my impression.

Q. And there was a negro killed at that time?—A. Not to my knowledge.

Q. Was it not so reported in the Macon Beacon?—A. I am unable to state; I have no recollection now.

Q. I think you stated in your examination-in-chief that since the democratic party had taken charge of the affairs, both State and county, there had been a better condition of affairs in the State; there was more peace and quiet and order, and less lawlessness, I think I understood you to say in substance. Is that what you testified?—A. I may have stated substantially—made that statement substantially, having special reference to Noxubee County.

Q. Do you confine that statement to Noxubee County?—A. I do not; I have seen nothing of other portions of the State.

Q. What do you think is the condition of public affairs in Mississippi as regards lawlessness at the present time?—A. My impression is that there is less violence and lawlessness existing at the present time than for a number of years past.

Q. I would like to ask you this question: Has there not been within the past four or five weeks, in the county adjoining—I think Winston adjoins Noxubee?—A. It does.

Q. Has there not been, in the county adjoining the county in which you live, four murders?—A. I have heard nothing of that number. I think two men have been murdered since the 1st of January.

Q. Have you not heard of two more?—A. I have not.

Q. Do you read the newspapers?—A. I do. I have read a paper published in Winston County since coming here. I saw nothing of such a thing in that paper.

Q. I think you stated that now, under the old registration-law of Mississippi, the law passed in 1870, an opportunity was afforded for fraud to be committed at the ballot-box. In other words, that a voter could register his name in any precinct and vote at every other precinct and at the county-seat. I think you said that was the danger under the old law. Is that the substance of your testimony?—A. As I remember, I stated substantially that it would be possible for a man to register in different precincts, and vote wherever he registered, and also vote at the county-seat.

Q. Are you familiar with the former registration-law?

Mr. MONEY. We cannot recall the testimony, as it is not here; but I think he said they could register "under different names."

The WITNESS. I did not mean that the same man could register under the same name, of course.

By Mr. PEASE:

Q. Could he not do that now, under the present law?—A. I do not think he could without detection.

Q. Wherein is the difference, so far as the detection in that respect is concerned?—A. Because he is prevented from registering except in his own election district.

Q. Suppose he goes and represents himself under some other name?—A. He is to say on what place he lives. He is to say in what portion of the election district he lives.

Q. He could say it was in any other place, if he felt so disposed, could he not?—A. Yes, sir.

Q. Did you not know that it was a fact, that under the former registration-law a party registering was given a certificate of his registration?—A. I do.

Q. Do you not know that the law required him, on the day of voting, to present that certificate as an evidence of his registration, and that the law required the board whose duty it was to hold the election to check on his registration-paper, in red ink, the fact that he had voted, and the name of the precinct in which he voted?—A. It was not required that a certificate should be presented; that was not essential to entitle him to vote.

Q. Are you not mistaken about that?—A. I am not.

Q. How could he vote?—A. He was required to make affidavit that he had been duly registered, and that his certificate was lost.

Q. That was in the event of his certificate being lost?—A. Yes, sir.

Q. Suppose he had his certificate?—A. It was always presented.

Q. That was an evidence of his registration?—A. Yes, sir.

Q. And, when he voted, the law required that there should be written across his registration-paper, in red ink, the fact that he voted?—A. Yes, sir; but not at the precinct. If he lost that certificate, and made affidavit that it was lost, the certificate was not checked, of course; wasn't marked.

Q. But the affidavit and vote were put together, were they not?—A. I think so in all cases.

Q. In the event that he made affidavit that he had lost his registration-paper, the law required that those affidavits should be attached to the vote?—A. The ballot.

Q. Would that vote have been detected in the canvassing of the votes at last?—A. There was no comparison of those affidavits with the registration-books, as I understand.

Q. Did not the law require that the returns at every polling-place, the ballot-box, should be brought to the county-seat, and that a comparison should be made, and that if a man had voted in two different precincts the affidavit would there appear; and did not the law require that a vote should be thrown out?—A. If one vote was deposited on a certificate, and one on an affidavit, it would not be likely to be discovered; especially if the man was registered under different names there would be no way of detecting it then.

Q. What means have you, if any, for detecting anything of that sort?—A. Because a man could not vote except at the precinct where he lived.

Q. Could he not go from one to another as before?—A. No, sir; because the law requires that he should vote in the place where he is registered.

Q. Suppose he registers as Mr. A in one place, and that he is Mr. B in another, could not that be done?—A. I presume that could be done.

Q. You are somewhat acquainted with the constitution of our State, and the laws of the State. Is it not a fact that the constitution of the State of Mississippi specifies the qualifications of an elector?—A. It does.

Q. It requires every man to live to the age of 21 years, and requires him to reside in the State six months prior to his application for registration, and one month in the county? Is not that the requirement of the constitution, and does he not have to take an oath to that effect?—A. I will read the provision in the constitution as my answer.

Mr. PEASE. Read the oath.

The WITNESS. I will read section 3 of article 7: "The legislature shall provide by law for the registration of all persons entitled to vote at any election; and all persons entitled to register shall take and subscribe the following oath or affirmation."

Mr. PEASE. Read the whole oath.

The WITNESS. "I, —— ——, do solemnly swear or affirm, in the presence of Almighty God, that I am twenty-one years old; that I have resided in the State six months, in ——— County one month, and I will faithfully support and obey the Constitution and the laws of the United States and of the State of Mississippi, and will bear true and faithful allegiance to the same. So help me God."

Q. That is the article prescribing the qualifications of the elector?—A. Prescribing the oath to be taken.

Q. State whether or not the act of 1876, regulating registration and election in the State, an act passed under the democratic administration of 1876, requires another oath to be taken; and, if so, will you state what that oath is?—A. Section 4 of that act, to which you refer, provides that the oath prescribed in article 7, section 3, of the State constitution shall be printed at the top of the books. I will have to read back a few lines in order to get the connection.

Q. I will ask you this question: Whether or not, in section 5 of an act entitled "An act to provide for the registration of voters, amending and repealing the laws relating thereto, and for other purposes," approved April 7, 1876, this language is found:

> The said county board shall designate one of their number to register the voters in the county, who shall, at the times and places of registration as published, make a faithful and complete registration of all the qualified voters in the county, assigning each voter to the registration-book of the election-district of his residence, and registering him only while registering voters in the election-district in which such voter resides, and shall require each voter to state, under oath, in what election-district of the county he resides at the time of registering, and in what portion of such district; and, if resident in any incorporated city or town, in what ward of said city or town; and his occupation, and where prosecuted, and, if in the employ of any one, whom, where, and the nature of such employment.

Q. I ask you whether or not the voter is required, under the registration-law and the section referred to, to take and subscribe to that oath?—A. That law appears as you quote it.

Q. Do you know a citizen of your county by the name of Mat Ma Homer?—A. I do.

Q. How long have you known him?—A. I have known him since 1869.

Q. What is his general reputation in your county?—A. He is a good citizen, peaceable and law-abiding.

Q. Is he a man of wealth?—A. A prominent planter; he is in easy circumstances.

Q. Do you know how much of tax he pays a year?—A. I do not.

Q. Do you not know he pays about four hundred dollars' tax upon his property?—A. I have no knowledge as to the amount of tax he pays.

Mr. PEASE. Now I wish to read to you a resolution purporting to have been passed at Cooksville, in the county of Noxubee, in the year 1875:

Whereas Mat Ma Homer, in the late election, acted in a manner totally offensive to the interests of the white men of our country and the policy of the democratic conservative party, by violating his promise to act with said party, by starting an opposition ticket with his name, connected with two scalawags (I. K. Wilkerson and Bill Parmenter) and a negro, (Robert Lacy,) which was loathsome and despisable and injurious to the white man's cause; by erasing the names of his friends and putting others in their places equally despised, and by him and his scalawag associates distributed and placed in the hands of the negroes on his own plantation and of the neighborhood and at a negro church on Sunday:

1. *Resolved*, That we unanimously consider him a traitor to his country and an enemy to his neighbors.

2. That henceforth we shall have no moral, social, or political association with such a beast in man's clothing, nor will we countenance any man who condescends to associate socially with him.

3. That these resolutions be considered as applying as much to I. L. Wilkerson as to Mat Ma Homer.

4. That the Macon Beacon be requested to publish these resolutions and send a copy to each of the above-mentioned traitors.

5. That as Bill Parmenter has repudiated and seeks to be a white man, we extend to him our cordial sympathy.

Done by order of the club at Cooksville December 11, 1877.

J. L. HIBBLER,
President.

J. R. D. KING,
Secretary pro tempore.

Q. I want to know whether that resolution did not appear in the Macon Beacon?—A. It did not.

Q. Did it appear in the Columbus Index?—A. It did appear in the Columbus Index, and it is also a fact that Mat Ma Homer survives, nevertheless.

Q. That resolution was passed by your club?—A. That is my understanding. I can state in the connection——

Q. (Interposing.) You need not state. Now I think you stated that there was no intimidation or violence, to your knowledge, in the late presidential election of 1876?—A. I think I have stated all I know in relation to the election of 1876.

Q. I wish to ask you this question; whether you did not write and mail the following letter:

CHANCERY CLERK'S OFFICE, NOXUBEE COUNTY,
Macon, Miss., October 14, 1876.

DEAR SIR: Referring to invoice of cannon shipped Mr. Hauenstein at this place for use of democratic executive committee, I beg to hand you herein telegram from the secretary of the national democratic executive committee giving price of the same, size, and character of gun. The discrepancy in the price is so great that I have concluded to call your attention to the matter, in the hope of obtaining a rebate upon the price charged. Your draft for the amount of invoice was paid to-day. If there is any trade-discount (and I presume there is) we want the benefit of it, and hope that we will not be considered unreasonable in asking it. I have inclosed your invoice to Mr. W. S. Andrews, secretary national democratic executive committee, requesting him to call on you, and, if right and proper, to be made to obtain a reduction in the price charged us.

Yours, truly,

ROBERT C. PATTY,
For Democratic Executive Committee.

A. I did write and mail such a letter, addressed to J. W. Frazer, of New York City.

Q. Did you write another letter to Mr. Frazer prior to this?—A. I think not.

Q. How did you get the cannon?—A. Well, Hauenstein ordered the cannon from a hardware drummer—a drummer for a hardware house in New York City; Mr. Hauenstein being a dealer in hardware at Macon.

Q. Did you receive a telegram from the democratic national committee in relation to it?—A. I did, in answer to a letter written to the secretary on the subject.

Q. What was the letter?—A. I cannot give you the language; I can give you the substance.

Mr. PEASE. Let us have the substance.

The WITNESS. That I had been requested by the county executive committee to make inquiry as to the price of a cannon; that I had addressed other parties in relation to it at different points—had written other parties at different points in order to obtain the information, and addressed him for the same purpose, requesting him to give price by telegram, so that the order might be made without any unnecessary delay, or with as little delay as possible.

Q. I want to know whether you did not receive the following dispatch:

NEW YORK, *October* 6, 1876.

To ROBERT C. PATTY, Macon, Miss.:

Brass six-pounder gun and limber costs one hundred and seventy-five; caisson and limber, one hundred more.

W. S. ANDREWS,
For Committee.

A. I received a telegram of that tenor, and I presume that is correct.

Q. From W. S. Andrews?—A. Yes, sir.

Q. Who is W. S. Andrews?—A. He was secretary of the national democratic executive committee, I believe; occupied some official position. I think it was secretary.

Q. I wish to ask you whether or not this man Andrews who sent you this telegram is a member of the firm of Pelton & Andrews?—A. I have no knowledge of W. S. Andrews whatever except from seeing his name officially.

Q. Do you not know of this firm of Andrews & Pelton, the Mr. Pelton being the nephew of Governor Tilden, the presidential candidate on the democratic ticket?—A. I do not know.

Q. Did you not know that they were in partnership at the time?—A. I did not know. I don't know that any such firm ever had any existence.

Q. I think you stated that there had been some maladministration or misfeasance or malfeasance in office among the republican officials in your county. I think you said something about the sheriff, Mr. Conner, did you not?—A. Mr. Conner?

Q. That he was a defaulter to the amount of twenty-five thousand dollars, more or less.—A. I stated, as I remember, that the county treasurer had instituted suit for that amount, and it was pending during the campaign of 1875.

Q. You submitted, I think, during your examination-in-chief, a report of the grand jury of Noxubee County at the October term of 1875, did you not?—A. I did.

Q. Was not Mr. Conner then sheriff?—A. He was.

Q. I want to know whether or not you find this language in that report——

Mr. MONEY. The whole of it was submitted.

Mr. PEASE. I know that, but I wish to call his attention to this particular part of it. Did you find this language in that report:

It had been reported and understood, before the assembling of the grand jury, that the sheriff of the county was a defaulter for a large sum, more than twenty thousand dollars. This caused us to devote more than customary time, labor, and pains to the investigation of matters connected with the sheriff's office. We have had before us the various county officers, several judicious and prominent citizens, as well as Colonel McMichael, the State

agent appointed by the governor to look after settlements with officers, and his distinguished attorney, Col. Dowd, of Aberdeen. The result of our deliberate investigation is, that when there is a full and proper settlement made between the sheriff and the county there will be but little difference either way; but, if any, the county may be in debt to the sheriff for a small amount.

We find it our duty to say further, that we find the sheriff's office generally in good condition; the sheriff himself discharging the duties well and faithfully, as also his several deputies.

A. That language appears as quoted.

Q. (By Mr. PEASE.) I want to know whether among the other officers whom you have mentioned any attempt has been made to indict them for malfeasance in office?—A. All the members of the board of supervisors were indicted for malfeasance in office, as I remember. That is, receiving unlawful allowances and making unlawful allowances. The chancery clerk was indicted for malfeasance in office.

Q. Are those all the instances you remember of indictments found?

The WITNESS. For malfeasance in office?

Mr. PEASE. For any crime or felony.

The WITNESS. At that term of the court?

Mr. PEASE. I am asking now as to any time within your knowledge, whether republican officials in Noxubee County have been indicted?—A. They have been.

Q. How many?—A. The present sheriff was indicted in 1875—a number of indictments.

Q. A number of indictments against him?—A. Yes, sir. You may say a number of indictments against a majority of all the board of supervisors.

Q. And against the sheriff?—A. The present sheriff. He was not sheriff at the time.

Q. What others?—A. The tax-assessor was indicted for perjury and a number of the legislature for perjury.

Q. Any others?—A. Those are the only ones, I believe.

Q. Do you recollect when these indictments for perjury were found?—A. In the October term of 1875.

Q. When were the indictments against the sheriff found?—A. All the indictments to which I have referred were found at the October term of 1875.

Q. That was just before the election, was it not?—A. Yes, sir.

Q. I want to ask you whether many of those indictments had not been quashed or a *nolle prosequi* entered?—A. The indictments against the present sheriff for perjury have been *nolle prossed*.

Q. I want to ask you first——

The WITNESS. [Interrupting.] Let me finish the answer to that question. Other indictments are still pending against him. I have not answered the question fully as to the others. One indictment against the chancery clerk for forgery has been tried, and he has been acquitted. That is the former chancery clerk—McHenry—and he was acquitted. A number of indictments are still pending against him.

Q. Now, I wish to ask you whether or not in any other case that has been brought to trial since the indictments were found in 1875, either a *nolle prosequi* has been entered or the parties acquitted?—A. Only one case has been tried.

Q. How many terms of court have been held there since that time?—A. One, I believe.

Q. I will ask you that question again—whether or not every case of indictment found against the county officers of Noxubee County in 1875, of which you made mention in your testimony, has not been either

quashed, or, if tried, the parties acquitted?—A. I have answered that all the indictments against all of them for perjury——

Q. [Interposing.] Answer the question, yes or no.—A. Yes, sir.

Q. Now, have there been any convictions?—A. There has not been.

Q. How many terms of court have been held since that time?—A. One.

Q. Only one?—A. The parties were entitled to a continuance as far as they demanded them—or at least had been granted.

Q. Was not the court in session when these indictments were had?—A. Yes, sir; and the judge, a republican, refused to try some of the parties indicted.

Q. Did he refuse to try any of them?—A. He refused to try the sheriff. I don't know that any other applications were made.

Q. I desire to ask you this question: Had not some of these officers who were indicted at that time held office in the county there for several years prior?—A. Some of them had.

Q. The sheriff had been sheriff for the year preceding, had he not?—A. He had.

Q. The sheriff is a native citizen, is he not?—A. Yes, sir.

Q. And a man who bears a good reputation in that community?—A. Well, sir, I would rather be excused from answering that question personally.

Q. He had, up to this time when this indictment was found, borne a good reputation in that community, had he not?—A. I don't know anything specially derogatory to his character.

Q. These indictments you have mentioned were all found about the time of the election, or just preceding the election, of 1875, were they not?—A. They were found during the month of October, 1875; the earlier part of the month.

Q. And the election was held in November?—A. Prior to the election of November.

Q. Since that time all cases that have been brought to trial, as far as your knowledge goes, have been either *nolle prossed*, or the parties tried have been acquitted. I believe you stated that?—A. Yes, sir; I made that statement.

WASHINGTON, D. C., *February* 8, 1877.

RICHARD ABBEY sworn and examined.

[Hon. O. R. Singleton representing Senator Kernan.]

By Mr. SINGLETON:

Question. State your name, place of residence, and how long you have lived there.—Answer. Robert Abbey; Yazoo City, Miss.; have lived most of the time there for forty years, with some little intervals.

Q. Please state your vocation and whether you are an active participant in politics.—A. I am a Methodist minister; have been for many years. I have had no participation in politics or political questions—I mean by that I have not attended political meetings for thirty or forty years; there might be two or three exceptions to that literally—I mean I have been present two or three times at political meetings, but was there for purposes not political.

Q. Did you travel very extensively over the county of Yazoo and adjoining counties during the last three or four years?—A. Yes, sir.

Q. Did you have a pretty good knowledge of the condition of politics

in Yazoo County, and in some of the surrounding counties?—A. Yes, sir.

Q. Were you in Yazoo County in 1875 during the canvass and at the time the election took place?—A. I was.

Q. Will you please give a general statement as to how the canvass for 1875 was conducted, and how the election went off in the fall of 1875? Do that in your own way, succinctly.—A. Yes, sir. You allude to the November election in 1875?

Q. Yes, sir.—A. Well, sir, I will state it as briefly as I can. Previously to 1875—the summer of 1875—the political parties there were divided, the colored people on the one side and the white voters on the other, with this exception: there were a few white men that voted with the black men, who were called the republican party, and a few black men who voted for the democrats. The republican party consisted, probably, somewhere not far from three thousand strong.

Q. That is in the county of Yazoo?—A. Yes, sir; this is the county of Yazoo—I speak without any reference to figures, but of the general estimate in my county; and the white voters were, probably, some sixteen, seventeen, or eighteen hundred. The democrats were in a hopeless minority, and made no effort at thorough electioneering until the summer of 1875; then they began to talk and talk, still more and still more, that they could and would carry the election—the November election; and they began to show the way to get up what you call a canvass—no, a campaign.

By Mr. PEASE, (representing Senator Teller:)

Q. This was in 1875?—A. 1875. As well as I remember, it was about the beginning of the demonstration, or what you call the campaign. There was a meeting held in Yazoo City, understood to be a republican club meeting, where there was a difficulty that occurred and a fight, some shooting, and one man was killed. This thing took place at what was known as "Wilson's Hall."

By Mr. SINGLETON:

Q. In Yazoo City?—A. Yes, sir. At that time Colonel Morgan was sheriff of the county. He, as I understood, was at the meeting, and immediately after the meeting dispersed he left there, and, I believe, has not been in the county since. He left there immediately or soon afterwards; that I understood. That circumstance gave an entire change to the political aspects of Yazoo County. Morgan previous to that time had very great influence with the republican voters, more so than I ever knew any man to have; he was the leader of the republican party, and I may say he was the only recognized leader. He was now gone, and the democrats having by this time worked themselves up to a good deal of determination to carry the election, taking advantage of his absence, they mustered their forces and canvassed the county very thoroughly, indeed. Colonel Singleton was down there, the candidate for Congress; Mr. Lamar was down there; and they mustered their forces very considerably—had men to go out and electioneer, and so forth. The object was to get the colored vote to join with the democratic vote, and they went all over the county.

Q. Who do you mean went over the county?—A. The political speakers; they numbered by hundreds.

By Mr. PEASE:

Q. Do you know this of your own knowledge?—A. I anticipated that question——

Q. I think you said you never attended any political meeting?—A. I never attended these meetings. I am stating these things as I have heard folks talk all around every day, and I have heard the speakers themselves tell where they had been.

Q. All you state is simply hearsay?—A. Yes, sir; I learned it from the speakers and the men who heard them.

Mr. SINGLETON. You can make your objection to it.

Mr. PEASE. I don't care about objecting; I want what you know of your own knowledge.

The WITNESS. The character of these speeches, as I learned from many men—some of them told me particulars, at least what sort of speeches they made. It was to impress the negroes with the belief that the republican legislature—the legislature was then republican—that the continuance of the republican legislature would be ruinous to the people. Various kinds of arguments were used—that the republicans got all the money of the country into the hands of the office holders and spent a great deal of the money. One thing on the penitentiary. We regarded that the continuance of these things would have a depressing effect upon agriculture and labor of every sort; and they impressed the negroes with the belief that their interest was identical with the interests of the white people—what was the interest of the one was the interest of the other; they had been previously misled on that subject—and that their true interest now lay right alongside and parallel with the interest of the white people; that the continuance of the republican legislature and the republicans as a dominant party would be the ruin of the whole country; that the farmers would not be able to keep up their farms constantly, and that the negroes would not be able to keep up their plantations; that the merchants would break; some of them had failed.

Mr. PEASE. Now, Mr. Singleton, I shall have to object to this interjection of a political speech, or hearsay, telling what the democratic speakers said. We want facts. He can go on, but I want my objection entered.

Mr. SINGLETON. I will just ask you this question: Were these reports current and understood by everybody as to the manner of conducting the campaign?—A. They were very current, I may say notorious.

Q. As to the manner of conducting the campaign?—A. Yes, sir. These speakers canvassed the whole county very thoroughly, having nobody to follow them; they had the field pretty much their own way; they formed what they called democratic clubs in various places.

By Mr. PEASE:

Q. That is hearsay, also?—A. That is hearsay; yes, sir—and increased them (the clubs) from time to time. By the time the election came around the thing was virtually decided, so that on the day of election the negroes came in there in companies from their various clubs.

By Mr. SINGLETON:

Q. Were you present at the polls on the day that the election took place in 1875?—A. I was.

Q. Did you witness the manner in which the vote was cast, and by whom?—A. I voted there. I was about there and saw what was going on.

Q. Did or did not the colored people rally with the democratic party, come to the polls with them and vote the ticket?—A. There was a general understanding that the people in the town would vote early in the

morning, so as to give the country-people an opportunity when they would come in.

By Mr. PEASE:

Q. Let me understand you. Repeat your answer.—A. It was the general understanding in town——

Q. In Yazoo City?—A. Yazoo City—that the people would vote early in the morning, so as to give the people from the country an opportunity and access to the polls, so that the polls would not be crowded. Along in the morning they began to come in from the country in companies, wearing their badges, flags flying, and a sort of hurrah and jubilee.

By Mr. SINGLETON:

Q. What sort of badges and flags were those?—A. I do not know that I can describe them. They were democratic badges; the flag of the United States, I believe, was what they used.

Q. This you witnessed yourself?—A. Yes, sir; they came in procession, two and two, came up in order to the polls, voted and retired; after a company or squad would go out others would come thereafter.

Q. Who do you mean by "they?"—A. I mean the colored people from the country, and white people, too—some white people. Many white people came from the country also.

Q. Were they enthusiastic?—A. Yes, sir, very; that is, they had a brass band and a sort of an open carriage with four or six horses to it escorting the company up to the polls and making a good deal of noise, huzzas and demonstrations of that sort.

Q. This demonstration; was there a good deal of it on the part of the colored people who voted the democratic ticket?—A. Yes, sir; the colored people, and white people too.

Q. How many did you see, do you suppose, in the democratic procession that day—colored people?—A. O, I cannot say. I saw several hundred. One company, I think, was estimated at one hundred; it was a long procession, reaching away down, nearly a quarter of a mile long.

Q. That was at the Yazoo City box?—A. There were two boxes in Yazoo City.

Q. This was one of the boxes?—A. I think there are two; yes, I saw them mostly at the court-house box, because I live close by it.

Q. I will ask you this question: Whether on the day of election there was at Yazoo City box any intimidation or any action upon the part of the white people calculated, so far as you could judge, to influence the votes of the colored people on that day?—A. Well, sir, I would prefer that you would use some other word than that hackneyed phrase, which has no particular meaning that I know of—intimidation.

Q. I would rather you would give an answer to that particular question.

Mr. PEASE. Let him answer your question direct.

Q. (By Mr. SINGLETON.) I will ask if you saw or heard anything there on the day of the election calculated to influence improperly the votes of the colored people?—A. Now you say "improperly?"

Q. Of course I mean that. I am not speaking of proper means, as a matter of course; persuading a man to vote with you is all right.—A. I do not want to criticise your words; I want it distinctly understood that the negroes were afraid to vote the republican ticket as a well known certainty—they were afraid that great injury would accrue to themselves in consequence of what I have stated—the bad effect on the country

and on themselves. If by intimidation you refer to violence or something of that sort in any way, I did not see anything of the kind.

Q. Then they were influenced in their votes like other people; they did not want to bring bad consequences on themselves by giving improper votes?—A. Yes, sir.

Q. They were not afraid, then, that anybody would do them violence, but simply afraid that if they went with the republican party it would entail serious injury upon them as tax-payers and citizens of the State?—A. That is what I mean. Perhaps you may include in your question as to their being discharged from the plantations.

Mr. PEASE. Witness, stop right there. Colonel Singleton is making the examination

The WITNESS. I ask him to include that in the idea of intimidation.

Mr. PEASE. I would suggest that you confine your answers to the questions.

Mr. SINGLETON. There has always been great latitude given here.

Mr. PEASE. No latitude to witnesses, to conduct the examination. I would suggest to the witness that he should just answer your questions.

The WITNESS. That is what I am trying to do.

Q. (By Mr. SINGLETON.) You said something about negroes being discharged from service on account of voting the republican ticket. Do you know of any case of that sort?—A. I do not remember ever to have known of a negro being discharged from a plantation in Yazoo County since the war for any cause whatever. The demand for negroes there is much larger than the men to fill it, and the effort is to get men on the plantations. If a negro were discharged from a plantation he has nothing to do but to go to the next plantation and get employment.

Q. Did you ever hear or know of any threats being made against them? I am speaking of your personal knowledge now. Did you ever hear of any threats made against them of violence if they voted the republican ticket?—A. No, sir; I never heard anything of that sort.

Q. I will ask this other question while I am on that point, if you have conversed with colored persons there, with regard to their apprehensions if they voted the democratic ticket—apprehensions of personal injury if they voted the democratic ticket? If you have, state it.—A. I have not, as well as I remember, conversed with a negro in Yazoo County on the subject of politics at all. They have come to me sometimes and asked me about things. I generally passed them off; sometimes I gave them such counsel as I might have, but have never attempted to influence the vote of a man; and I do not know particularly in regard to the question that you ask, except from general information.

Q. I do not ask for general information. I asked if you had conversed with any of them?

Mr. TELLER. He said he had not.

Q. (By Mr. SINGLETON.) You say that you have not conversed with any of them on that subject?—A. A man talked with me.

Q. I suppose you talked with him?—A. I talked very little. I will tell you one instance that I know of particularly. A negro man in Yazoo City, who was a drayman, a man of some property; he was at my house—that is, not long before the November election——

Q. Of what year?—A. Of 1875?

Q. Yes, sir.—A. At the gate, when he was going away, he asked me some questions—I do not remember now what—touching the coming election. He said that he was convinced that the colored people had been doing wrong heretofore; that their interests were identical with the interests of the white people; and went on to say a good deal about it. I said

very little to him. After a while I asked him, "Now," said I, "Uncle Harry, if you think so, why don't you talk to your younger men here, and tell them so?" He said he could not do that. I thought I understood his meaning, but rather pretended not to understand what he meant by it, and he then went on to state—I don't remember his words, but it was to the effect that, if he were to do so, he would put himself in circumstances of great jeopardy, or something of that sort.

Q. From whom?—A. From the colored people who were republicans. This was some time before the election, very soon after the difficulty at Wilson Hall—about the time, you might say, that the colored people began to turn over to the democratic people. He expressed fear; he rather laughed at the idea, and shook his head, and told me I did not know as much about it as he did; that he would not dare to talk that way to the colored people who were republicans.

By Mr. PEASE:

Q. This was at what time of the year, that incident?—A. It must have been, probably, in September of 1875.

Q. Near the time of the election?—A. Yes, sir; previous to the election, not long after the difficulty at Wilson Hall.

By Mr. SINGLETON:

Q. What is the man's name?—A. His name—we call him Harry, Uncle Harry. He has some other name, but he is generally known as Uncle Harry, the drayman.

Q. In Yazoo City?—A. Yazoo City. Everybody knows him in Yazoo City. Yes, sir.

Q. At that time he seemed to feel that if he spoke out in favor of the democratic party there would be great danger from the colored people in the county?—A. So he expressed himself to me.

Q. Were you in Yazoo County during the canvass and election of 1876?—A. I was. I was absent in October a couple of weeks or so. With that exception I was there all the time.

Q. Did you hear some political speeches in that canvass?—A. No, sir.

Q. You did not?—A. I do not think I did.

Q. Did you witness any demonstrations on the part of the democrats during that canvass of 1876?—A. Well, sir, I don't know what you mean by demonstrations. I did not attend any political meetings.

By Mr. PEASE:

Q. This was in 1875?—A. 1876. Things of that sort were going on all the time, getting up their clubs. They pursued very much the same course in the year 1876 as in 1875.

By Mr. SINGLETON:

Q. Did the colored people of Yazoo County unite with them in these demonstrations?—A. Yes, sir; some colored men came to me and got privilege to occupy a piece of woods I have near town, which belongs to my family, in order to have a barbecue. They said they were a committee which was appointed for that purpose. I told them they could have the woods, but must not go across the fields, but go by the way of the roads. They went up there and had their barbecue. It was a barbecue not exclusively for negroes, but for negroes and white people, I think; I don't remember, though.

Q. In what you saw of the canvass of 1876, and the voting on the day of election, did the colored people unite heartily and cheerfully with

the white people of that county?—A. Yes, sir; so far as I heard, and I heard a good deal of it. These things were talked about every day on the streets.

Q. Were you present in Yazoo City on the day of election, in 1876?—A. Yes, sir.

Q. Whether or not processions came in that day from the different parts of the county, from different directions, to vote at the box in Yazoo City?—A. Yes, sir; pretty much as before. They came in companies, in squads, and processions.

Q. A good many people in the processions were white?—A. Hundreds of them; yes, sir.

Q. Did they seem to enjoy it and be happy?—A. Well, sir, by their huzzahs, and their demonstrations, I suppose they participated in the thing.

Q. I will ask you this question, now, whether in the campaign of 1875 and 1876, or either of them, you knew, of your own knowledge, of any threats being used or violence exercised toward any colored voter in the county of Yazoo?—A. No, sir; I never knew anything of the sort; any such thing.

Q. From what you saw and heard, are you prepared to say whether this election was a free and fair election or otherwise?—A. By free, I suppose you mean whether the way and access in the way to the polls was open and unobstructed?

Q. Yes, sir.—A. The way was open and unobstructed in Yazoo City.

Q. I ask you whether it was a fair election; fairly conducted?—A. Well, I know of no unfairness. A categorical answer to your question would be my opinion about political ethics. What one man thought would be fair, another would think unfair.

Q. We won't squabble about that. Give us your opinion, whether it was fair or not?—A. It was like the elections I was accustomed to all my life, except the peculiarity of these two elections was that it was all one side. No contention as to how the people should vote.

Q. The republicans seemed to have given up the county after Morgan left there, did they?—A. Yes, sir; there was no republican electioneering that I knew of or heard of in the county after he left there.

By Mr. PEASE:

Q. Mr. Abbey, I think you stated that you have lived in Yazoo County for a number of years?—A. Yes, sir.

Q. Have you spent most of your time there?—A. Yes, sir; during the war I lived in Nashville, Tenn., and since the war have lived a part of the time in adjoining counties, but for six, seven, or eight years have lived in Yazoo County.

Q. Have you spent your winters in Washington for the past six or seven years?—A. For the past four years I have spent winters here.

Q. What has been your business in Washington?—A. My business was to represent the interests of the Southern Methodist Publication House, in Nashville, Tenn.

Q. Is that all the answer you have to make to that question?—A. Yes, sir.

Q. That comprehends your entire business for the last four or five years?—A. Yes, sir.

Q. Are you not lobbying a claim before this Congress?—A. I don't know what you call lobbying. I am here representing the interests of that corporation.

Q. In what respect do you represent the interests of that corporation

or denomination?—A. Well, sir, there is a bill before the two houses of Congress to make a settlement with that corporation.

Q. A settlement with what; is it not a claim?—A. It is a claim of the corporation against the Government.

Q. Are you paid for your services for looking after the interests of that claim?—A. By the corporation?

Q. By anybody?—A. I am one of the agents of the corporation.

Q. Answer my question directly, if you please. Are you not paid for your services in assisting to get through this claim?—A. I will answer that by saying that I am partially paid.

Q. I think you stated that you are by profession a minister of the gospel?—A. Yes, sir.

Q. And that you have never taken any part in politics?—A. Yes, sir.

Q. You have never made any political speeches in Yazoo County yourself?—A. No, sir.

Q. You have taken no part in the political organization of either party?—A. No, sir.

Q. In your examination-in-chief you have given a very full and detailed account of the political condition and history of Yazoo County for several years. Now I want to know if what you have stated was a correct representation of the canvass and the present political condition of Yazoo County?—A. Do I understand you to ask me if my testimony is true?

Q. Answer the question as it was put to you.—A. Yes, sir; so far as I stated I believe it to be correct.

Q. Have you not given in this testimony all the main facts pertaining to the political affairs in Yazoo County?—A. I don't know, sir; there may be a good many things there that I might——

Mr. PEASE. Answer the question.

Mr. SINGLETON. He does answer; let him make his answer.

The WITNESS. I will answer your question categorically if it is susceptible of a categorical answer. If not, I cannot. I make that explanation.

Q. (By Mr. PEASE.) Have you not given in your testimony in your examination-in-chief all the main facts pertaining to the political condition of Yazoo County?—A. Yes, sir; so far as it has been brought to my notice.

Q. Have you not attempted to give all the main facts in your testimony?—A. I don't understand your question. I have attempted to answer the questions as well as I could in brief language.

Q. Have you not attempted to give all the main facts? That is what I want to get at.—A. I don't know what you mean by main facts. The facts brought to my attention——

Q. Well, they were main facts pertaining to the condition of Yazoo County, were they not?—A. I suppose they might be so considered, though there might be other facts just as prominent.

Q. Might be, but none of your own knowledge?—A. So far as I remember at this moment.

Q. Now then, Mr. Abbey, you are familiar with the history of Yazoo County, having lived a long time there. I desire to ask you whether or not there have not been a number of negroes murdered in Yazoo County within the last two years, say the years 1875 and 1876?—A. I think there have been; at least that is the current report.

Q. How many murders, assassinations, and killings of that kind were

there in 1875? I will put the question that way.—A. Well, do I understand? Let me ask you——

Q. My question is a very simple one.—A. Well, I think I have known four or five by common report.

By Mr. SINGLETON:

Q. Do you know that yourself, or heard it?—A. No, sir; I do not know any one that has been killed.

By Mr. PEASE:

Q. Have you not heard that more than five were killed?—A. I do not remember that I have.

Q. Do you know of any armed organization having existed in Yazoo County during 1876?—A. Yes, sir; I know something about that.

Q. What was the character of these organizations?—A. Well, sir, on one occasion a gentleman in Yazoo City, an old citizen there, came to me——

Q. Just answer the question. What was the character of these organizations? It requires but a very simple answer.—A. Well, sir, I understood that they were for the purpose of assisting constables and sheriffs of the county to keep the peace.

Q. You understood that from the persons who were engaged in them?

By Mr. SINGLETON:

Q. What you know of your own knowledge. Please be kind enough not to state what you have heard from others.—A. I was going to state some things that I knew of my own knowledge, but——

By Mr. PEASE:

Q. Now will you state whether these organizations that you speak of as having been formed to keep the peace, whether or not they were making journeys to and from the city of Yazoo to other portions of the county, during the canvass of 1875, riding about the county?—A. I understood that they were. I understood that a company went out to Vaughan's station on one occasion.

Q. How much of a company?—A. I don't know, sir.

Q. Have you not some idea of the number?—A. No, sir; it would be mere guess-work

Q. Was there not more than one company?—A. Not that I know of.

Q. What did they go out to Vaughan's station for, if you know?—A. Well, sir, I can hardly tell you.

Q. Have you not some idea what they went for?—A. I think there was an apprehension that an armed force was coming from Jackson into the county, and they went out there to prevent it.

Q. What was this armed force which was apprehended as coming from Jackson?—A. What was it?

Q. Yes, sir; what was the character of it?—A. I only know from what I have heard, from general information, that an armed force or companies were being gotten up on the east side of the Big Black. It is the eastern boundary of Yazoo County.

Q. Now do you not know that it was rumored in Yazoo City and in that county that Colonel Morgan, who was the sheriff of the county, and who had been driven out at the time of the difficulty, was attempting to return to the county in command of the State militia?—A. Yes, sir; that was rumored in Yazoo City.

Q. And this body of men you spoke of were going to Vaughan's sta-

tion to prevent Mr. Morgan from coming to Yazoo County?—A. I do not know Mr. Morgan's movements.

Q. I ask you, was it not the common rumor there that Colonel Morgan, the sheriff of the county, was attempting to come back and re-instate himself in the office, at the head of the State militia?—A Since you mention it, it occurs to me, as far as Mr. Morgan is concerned, I remember that Colonel Morgan was appointed to take charge of some of these armed forces that were coming into Yazoo County. He was appointed and then declined the charge.

Q. Did you hear that at the time these parties went from Vaughan's station, or afterward?—A. I reckon it was before.

Q. Now, do you not know that about that time there was a determination on the part of the people of Yazoo County to prevent the return of Mr. Morgan?—A. No, sir; I do not.

Q. You were there at the time?—A. Yes, sir.

Q. Do you not read the papers of that county?—A. Yes, sir; I read them cursorily. I do not read them carefully.

Q. Now is it not a matter of fact?

Mr. SINGLETON. All this is objected to.

Q. (By Mr. PEASE.) Do you know whether or not the democratic papers published in Yazoo City did, on or about that time, advocate the policy of preventing the return of Mr. Morgan, the sheriff of the county, by armed resistance if necessary?—A. No, sir; I did not hear that.

Q. You never heard that?—A. I do not remember that I heard it.

Q. You were in the habit of reading every issue of the paper, were you not?—A. No, sir; I don't read political newspapers much. I could answer your question in this way——

Q. That is enough. Mr. Singleton can bring out anything else. I think you stated in your examination-in-chief that there was no intimidation or violence practiced during the years of 1875 and 1876 toward the negroes to prevent them from voting the republican ticket?—A. Yes, sir; I stated that, so far as I know.

Q. So far as you know. Now, then, Mr. Abbey, you are acquainted with the peculiar characteristics of the negro when he was a slave?—A. Very well, sir.

Q. And his characteristics in the new relations which he occupies, are you not?—A. Very well, sir.

Q. Now, do you not know that the negroes of that county, and the negroes generally throughout the State, voted the republican ticket, and they were almost universally republicans?—A. I think so.

Q. The negroes had, from the organization of the new State government in 1870, down to 1875, voted the republican ticket generally in that county?—A. Yes, sir.

Q. Do you know of a colored democrat in that county who voted the democratic ticket prior to 1875?—A. Yes, sir.

Q. How many?—A. I do not know how many. I do not remember; but a few, perhaps four or five.

Q. Well, perhaps four or five. You would not be apt to know very much about the number of voters, because you took no part in politics?—A. No, sir.

Q. Now, do you not know that the condition of affairs in Yazoo County for a month or two prior to the election of 1875 was of such a character as to inspire a feeling of intimidation among the negroes? The fact that these armed bodies that you say were organized or established for the purpose of keeping the peace, that were riding through the county from time to time, and in view of what you state of the diffi-

culty that occurred in Yazoo City at the time the sheriff left, would not such proceedings have a tendency to intimidate negroes?—A. I think not.

Q. If not, why not?—A. I think many of them rather felt the protection.

Q. I think you stated that Mr. Morgan was the leader, or reputed leader, of the republican party of that county?—A. Yes, sir.

Q. Now, then, when their leader had left in consequence of the condition of things, do you not think it would have some effect on his followers?—A. His leaving have some effect?

Q. Yes, sir.—A. Undoubtedly.

Q. Now, you are conversant with the circumstances, state why he left. —A. Well, sir, I understood——

Mr. SINGLETON. I object to that as a matter of understanding.

The WITNESS. That at this meeting in the hall they were shooting at each other, some of them there, and there was very great danger apprehended, as I understood, by everybody in the hall, and Colonel Morgan left there soon afterward.

Q. (By Mr. PEASE.) You are a citizen of that county. Was it not a matter of public notoriety——-

Mr. SINGLETON. I object to it.

Mr. PEASE, (continuing.) That Sheriff Morgan was forced to leave that county?—A. Well, sir, I can answer that question better if you will let me make an explanation of it. I do not know that it is susceptible of a categorical answer.

Mr. PEASE. Mr. Stenographer, repeat the question.

The STENOGRAPHER. [Reading.] "You are a citizen of that county. Was it not a matter of public notoriety that Sheriff Morgan was forced to leave that county?"

The WITNESS. That would depend upon what you mean by being forced to leave. There was a quarrel between Morgan and another man.

Q. (By Mr. PEASE.) Who was this other man?—A. The other man was named Dixon.

Q. Republican or democrat?—A. A democrat. I think that Colonel Morgan had reason to fear that if he went to the county—returned there—that he was in danger.

Q. Do you not believe, from your knowledge of the situation, that Colonel Morgan was at that time in immediate danger of personal violence?—A. If he had returned to the county?

Q. Yes, sir.—A. I think so.

Q. Do you not think the negroes fully appreciated that fact, as his friends?—A. I think it was very generally known.

Q. Do you not think that apprehension would have a tendency to intimidate the negroes, as a matter of common experience with mankind? —A. I do not know. I think if Colonel Morgan had remained there, things would have turned out differently from what they did.

Q. You do? Then if Colonel Morgan had remained, and was permitted to organize the party, and lead the party, as heretofore, the political history of that campaign would have been different?—A. It might have been different.

Q. Do you not know that it would have been different, in your judgment?—A. I think it might have been likely. Nobody else could rally the party and keep them together.

Q. You say that in 1875, after the time of that difficulty at Yazoo City with the sheriff and the other man, that there was no meeting held by the republicans?—A. There was none, so far as I remember.

Q. Had it not been the custom in canvasses before that for republicans to hold frequent meetings in that county?—A. I think so.

Q. I think that you stated that there had been no republican meetings held there from that time up to this time?—A. I don't remember to have heard of any republican meetings in that county from that time to the time when I left a few weeks ago.

Q. You stated that a certain negro came to you and said that he was afraid to vote according to the sentiments he expressed to you, through fear of violence that he would suffer at the hands of the people—his race?—A. No, sir; I did not say he was afraid to vote.

Q. What did you say?—A. I said he represented that he was afraid to talk and express the sentiments that he expressed to me.

Q. He was afraid to talk to his people?—A. Yes, sir; afraid to talk to his people.

Q. When was that?—A. I think after this difficulty at Wilson Hall.

Q. Now, then, if a man of this character you speak of was afraid to talk to his people, advising them to vote with a party who would carry out the views he expressed, is not that an evidence that the negroes were inclined to remain in the party, and vote the republican ticket? Do you not so understand that?

Mr. SINGLETON. I object to the question.

(Objection overruled.)

A. O, yes, sir.

Q. (By Mr. PEASE.) Did they vote the republican ticket in 1875?—A. No, sir.

Q. How many republican votes were cast in that county in 1875?—A. I think very few; not more than six or seven.

Q. Do you know the republican vote in that county in 1874, the year previous?—A. I don't remember the figures. I think the republicans claimed that they had the right to expect a majority of fifteen or sixteen hundred at the election of 1875.

Q. But they did not receive but seven votes?—A. I don't say but seven; their vote was five or six, seven or eight.

Q. How many votes were polled in that county—republican votes—in 1876?—A. I think there were but two.

Q. I think you stated that the democratic speakers in your county advocated the policy of uniting with the negroes because their interests were the same. Is that what I understood?—A. Yes, sir; that I understood to be the general drift of their arguments.

Q. Now, Mr. Abbey, you are acquainted with the history of that county; is it not a fact that the negroes—when the republican organization was in full force—that the negroes voted for, and did elect to office, a large number of native white people, democrats—I mean before 1875—for justices of the peace, and for other county offices?—A. There was a white man a justice of the peace in Yazoo City, and I presume he was elected.

Q. Do you not know that a large number of justices of the peace were elected by colored votes—by republicans?—A. They must have been elected by colored votes, because the colored votes were in the majority.

Q. Now, had you seen anything prior to 1875 indicating that the negroes didn't recognize that fact, that the interest of the white people and their interest were identical?—A. I think they considered that their interests were very opposite and conflicting. I was told so.

Q. I ask whether or not the democrats in that county and of the State, so far as you know, had not prior to this time enacted legislation

in that State against the interests, political and civil interests, of the negro?—A. Not that I know of.

Q. You know nothing of the laws enacted in 1865 in that State?—A. Not particularly. My mind was not drawn particularly to them.

Q. Do you not know that the democratic party as an organization was opposed to the amendment of the Constitution conferring civil and political rights upon the negro?—A. No, sir. I do not know that.

Q. Is it not a matter of history that that was the case?

Mr. SINGLETON. I object to the question.

Mr. PEASE. It is a matter of history, and you are a minister of the gospel, and an educated man. I ask you if it is not a matter of fact that the democratic party, as an organization, were opposed to the amendment to the Constitution conferring political and civil rights upon the negro?—A. I do not know of any such thing; but I am not well enough informed about political movements to answer the question satisfactorily.

Q. Yet you seem to have taken some pains to know the political condition of Yazoo County?—A. No, sir; I have not taken any particular pains. My knowledge there came to me spontaneously there, promiscuously.

Q. I ask you if the democratic party as an organization, State organization, had been adverse in their policies and principles to the civil and political rights of the negro, whether or not that would not have a tendency to lead the negro to affiliate with the republican party?—A. I do not see that I could give an intelligible answer to that question. I could state my general impression.

Q. What would be your impression?—A. In regard to the political status of the negro of Mississippi, that status has been recognized by the people of Mississippi——

(Mr. Singleton objected to this line of examination, going into hypothetical suppositions.

Objection overruled.)

Q. (By Mr. PEASE.) What is your impression?—A. My general impression is that first, say in 1870, there was considerable objection to the enfranchisement of the negro in some quarters. Whether that could be predicated of the democratic party, as such, I would not undertake to say; but along toward 1874 or 1875 the general impression among the white people in Yazoo County, and in the State so far as I know, was favorable to the enjoyment of the elective franchise by the negroes.

Q. Do you not know that in 1875 there was an organization, or an attempted organization, of a party known as the "White Men's Party," and that leagues were formed called "White Men's Leagues"?—A. I heard something about that in this room.

Q. Do you not know it? You were very willing in your examination-in-chief to answer, but seem very unwilling now.

The WITNESS. Mr. Pease, you are mistaken. I am not unwilling to answer any question fully.

By Mr. PEASE:

Q. Answer whether or not it was a matter of public notoriety during the latter part of 1874 and 1875, that there was an organization known as the White League?—A. I do not know of any such. I have heard of that in other counties. I have heard more about it in this room than in Mississippi. Colonel Pease, if your statement of my unwillingness to

answer your questions goes upon the record, I would like you to take back what you have said.

Q. You are a minister of the Gospel, I think?—A. Yes, sir.

Q. You do not mean to attempt to force me to take it back?—A. Certainly not; but I do not want the statement to go upon the record.

Mr. SINGLETON. You can put down your answer on it.

The WITNESS. It is a mistake that I have been in the slightest degree unwilling to answer any questions. You mistake me greatly, Colonel Pease, if you suppose so.

Mr. PEASE. I have no more questions.

By Mr. SINGLETON:

Q. You say you are here in the interest of the Southern Methodist Book Publication House?—A. The Southern Methodist Publication House sent me here to attend to their business in this city.

Q. Please explain how that claim arose, so that it may go on the record.—A. The Government occupied our property in 1864 and 1865.

Q. At what town?—A. At Nashville, Tenn., and thereby a debt had accrued in favor of the corporation, and against the Government. I have been sent here to recover the indemnity for that indebtedness.

Q. Your business, then, here is simply to try and have a settlement with the Government of what is due to the southern book concern for the occupation of its building during the war?—A. Yes, sir.

Q. You said something of having heard of armed organizations in Yazoo County. Will you tell why the organizations were got up? I want you to state what the report was.—A. I began to state what I knew of my own knowledge.

Q. Now you may state what you knew of your own knowledge, and what you have heard about that. What was the reason for getting up these organizations?—A. I was going to state that a gentleman in Yazoo City, Mr. Barksdale, an old citizen of that place, a gentleman of my age and a merchant, a very popular man in the county, came to me in Yazoo City, and said to me, in substance, about as follows: that they were getting up military companies in town, and he was afraid that the boys were getting too fast and might run into excess, and asked me to go with him to where the companies, he understood, were being formed, to see if we could restrain any undue movements that might be going on in that direction. I consented, and we went up to the room over the engine-house, a room about the size of this—the fire-engine house in Yazoo City. There was a meeting of men there, perhaps twenty, thirty, forty, or more. The gentleman who has been here before this subcommittee, Mr. Gwin, was chairman of the meeting. The meeting was organized with a chairman and a secretary. Mr. Barksdale, in pursuance to our understanding, addressed the chair, and inquired what was going on; what it was for; what this enrollment of military men was for. Mr. Gwin went on to explain to me that there was danger of an outbreak in the county, and that the constabulary force of men in the county was weak, and the object was to have men in readiness to assist the constable and sheriffs if necessary. Mr. Barksdale was satisfied with his explanation. I was not. I then spoke to the chair, and expressed myself that that was not satisfactory to me. I went on with some observation to express my dissatisfaction, and was replied to by Mr. Gwin, and by two or three other persons, I think, in the meeting, and they assured me that the object was not to do anything unlawful, but it was for the protection of the civil authorities, so that they could be called upon at a moment's notice, if necessary. I gave them

some words of caution, to be careful and to keep themselves clearly within and behind the law; to be careful that they did not go above, and give occasion for any excess, but simply to assist the civil officers. They said that was the entire object of the organization. With that explanation I was satisfied, and left the room. That is all I know on that point.

Q. You have been asked in regard to the rumors of this organization. I will ask you whether it was not understood throughout the county of Yazoo, so far as your own knowledge goes, the organization was solely for the purpose of defense, and not for aggression on the rights of anybody?—A. I understood so scores of times; I never understood anything to the contrary. Whether they did so or not, I don't know.

Q. You spoke of several colored men being killed in Yazoo County?—A. So I understood.

Q. Were there any white men killed in 1875 or 1876?—A. Yes, sir; I think there were.

Q. Do you know anything about the killing of these men; had it no political significance whatever, or were they affrays and difficulties that sprung up on the spur of the occasion?—A. I think they were both. Some of the killing had a remote political significance. One homicide or murder was of a man who was killed for his money. There was a negro killed. I understood he was hung by the negroes. He was charged with an attempt at rape upon a child.

Q. That was a colored man and he was hung by colored men?—A. Yes; that is my information. There were, as I understood, two—I don't remember, I think there were two men that I understood were killed in Yazoo County about that time, that I should think had some remote political significance.

Q. Where was that at? Was that in the hall in the city of Yazoo, at the time Colonel Morgan was there?—A. There was a man by the name of Mitchell killed.

Q. That has been testified to by half a dozen witnesses?—A. That is what I understood; I never saw the man.

Q. Did Colonel Morgan leave voluntarily, or was he forced to leave the county?—A. That would be impossible for me to tell.

Q. Did you hear of anybody following him up and undertaking to drive him out of the county, or was it in consequence of the difficulty in the hall where the shooting took place, that he left?—A. My understanding was that Dixon and Morgan were at sword's point; had been shooting at each other on several occasions; had shot at each other during that night, and it was understood—I don't think I heard Dixon say anything—but I saw him flourishing his pistols about. I think it was feared that if Morgan returned to the county they would be shooting at each other as soon as they met. Everybody conceded that Morgan was in danger if he returned to the county.

Q. Danger from whom?—A. From Dixon.

Q. Did you know anybody who was likely to injure Colonel Morgan if he returned to the county?—A. I never heard of anybody else.

Q. This was a personal disagreement?—A. So I understood.

Q. On that account you understood he left the county?—A. Yes, sir; the hostility between them was very virulent and deadly.

Q. You spoke, in answer to an interrogatory in your cross-examination, of some armed companies having gone out to Vaughn's Station, as you understood?—A. So I understood.

Q. Was it not understood at the same time that several companies of colored militia were coming into the county of Yazoo with Colonel

Morgan?—A. Not with Colonel Morgan that I know of; at that time there was very great excitement in Yazoo City; more so than ever I saw in my life, except in the time of the war. There was fear that armed forces—negro companies and other companies—were coming into the county, but were likely to do so, and my understanding was that one or more companies of armed men—I don't know about it. I heard it spoken of out there at Vaughn's afterward. They went as far as Vaughn's, near the edge of the county; and my understanding was, to meet the lawless force that might come in from the adjoining county.

Q. Did you not understand from the rumors that were afloat, that companies were coming up there of colored militia, and that Governor Ames refused to accept white militia, and these were colored?

Mr. Pease objected.

(Objection overruled.)

The WITNESS. I can answer part of the question. As to Governor Ames's action in accepting or not accepting militia, I do not remember to have been informed; but companies of colored militia—I suppo e they were called "militia"—or armed men were expected in Yazoo County or looked for. The rumor that they were coming was very rife in Yazoo City and that county, and it produced very great alarm indeed.

Q. (By Mr. SINGLETON.) Was it not understood at the time these companies went out there that it was to prevent the introduction into the county of Yazoo of this colored militia that was coming from other counties?—A. Yes, sir; I have already stated that.

Q. Do you know Houston Burruss?—A. I know him very well.

Q. Is he a reputable man there?—A. Houston Burruss is a colored man; a middle-aged man; a very prominent colored man; a man of a great deal of property. He owns more property than any other colored man in the county. He was formerly treasurer of the county for the term, perhaps, of two years. He lives there in Yazoo City, and is a very reputable man.

Q. A reputable man?—A. I don't know of a colored man in the county of a more reputable standing than Houston.

Q. I ask you to take that letter of Houston Burruss's [handing] and read it, if you please, so that it will go into the testimony. In the first place I will ask you to read this Boutwell committee letter. [Handing second volume of United States Senate Committee's Report on Mississippi.]—A. This lower part? [Indicating.]

Q. The whole letter.—A. It begins up there? [Pointing.]

Mr. PEASE. What is it you wish to read?

Mr. SINGLETON. It is a letter of Houston Burruss, which I propose to incorporate with that in the testimony.

Mr. PEASE. What page?

Mr. SINGLETON. Page 99 of Documentary Evidence, second volume.

From: Houtson Burruss, Yazoo City, Miss., dated November 1, 1875. Received November 4, 1875.

Subject: A clean case of needed help; wants to have the election contested.

YAZOO CITY, *November* 1.

I beg *you* most fully to send the United soldiers here; they have hung six more men since the killing of Mr. Fawn; they won't let the republicans have know ticket; they will not print anny at all, for the they are going to have war here to-morrow; the democrats are going to vote themselfes, and tell the republicans they shan't vote; now, they are going to have war here to-morrow; send help; they told Mr. Richman if he went to the telegraph-office to-morrow they would hang him; help, help, help, help, soon as you can. You keep on listen at the whites people that come over there; they said that they just want to keep; they are not going to let you know.

Please send help; the troops away until they hung all the men; they hung Mr. Patterson because they said he was the only man to lead in the convention; he had nothing to do with no killing. Help.

Yor friend,

HOUSTON BURRUSS.

This Dixon and Cal. Andrews hung Patterson, and Dixon scouts help to do it. Now, you see what going to be done to-morrow; you had better listen to what I say; send the troops; and when you send them and don't dispatch, just send them as soon, no matter whether it after the election, if you don't test the election or not, send; fighting commense just I were closing; 2 two killed; we would of carrid this election, but you keep listen at the white people; pleas send troops and test the election; help; send troops and arms, pleas; white men strip start naked in the stret the other day; nobody arrested them. My wife, Mr. Foote, Mrs. Harrison were all going up with the coarpse, and Mrs. Jackson, the S. C. teacher, and when this gentleman was sick they went to his house and so shot over it and hollowed and beat the drums. The other day Mrs. Jackson and Mrs. Burruss, my wife, were coming down the street, and Dixon walk wright in between them; says he intend to do it all the time to all niggers that come down Main street. Send troops quick as posable; listen at nothing the white people say; they are lieing all the time, and teli all the niggers and make them say are going to vote the democratic ticket. Pleas send aid and test the election; we will have to do it; we would; we would had a republican ticket; the said if we had a convention they would hang every one; close place I am in. Send help, help, troops. I would telegraph, but they won't let Mr. Richman go in the office.

HOUSTON BURRUSS.

Mr. SINGLETON. I propose that he shall read that letter, [handing paper.]

The WITNESS. It is—

Letter from Houston Burruss.

YAZOO CITY, MISS., *January* 27, 1877.

To the Editor Yazoo Valley Democrat:

My attention has just been called to an alleged letter, written by me to Governor Ames, dated Yazoo City, November 1, published in the report of Mr. Boutwell from the Select Committee of the Senate of the United States, to inquire into alleged frauds in the recent election in Mississippi, on page 99, volume 2, of said report.

I denounce said alleged letter as a forgery, and is without the slightest foundation in fact. It is a vile slander, and wholly misrepresents me in that canvass. I never wrote, nor procured to be written, any letter to Governor Ames on any subject. In truth, I never had any correspondence or communication with him.

H. BURRUSS.

Yazoo Herald please copy.

Q. I think you said he was a respectable colored man and property-owner?—A. Yes, sir; he owns considerable property, several houses in Yazoo City, and owns the ferry.

Q. Was he treasurer of the county?—A. Yes; treasurer previous to the present term.

Q. Elected by what party?—A. He was the republican appointee.

Q. With what party is he acting at present, if you know?—A. I can only state my general impression. I do not remember that I have heard Houston say; been with him a good deal. We have been thrown together, personally, a week or two at a time. I do not think I ever heard him speak on the subject of politics in my life.

By Mr. PEASE:

Q. Mr. Abbey, do you not know the political sentiments of Mr. Burruss to-day; do you not know that he affiliates with and indorses the democratic party, and voted that ticket?—A. I do not know it as a matter of fact. I do not remember having heard him say anything about it.

Q. From common report is it not understood that he affiliates with the democrats and voted that ticket?—A. I think it is understood by the colored men of the county that he voted the democratic ticket. I class him among them.

Q. You class him among them?—A. Yes, sir.

Q. Now, the letter to which you refer and read, purporting to be a letter of Mr. Burruss's; do you know that that was a *bona fide* letter written by him?—A. I know nothing about it.

Q. Did you not read it simply because requested to read it?—A. Yes, sir.

Q. You know nothing more about it?—A. I know nothing more about it than I say.

Q. Now, this letter appears in a democratic paper, does it not?—A. I do not know what paper.

Mr. SINGLETON. Yes, sir; a democratic paper.

Q. (By Mr. PEASE.) Answer the question. This letter appears in a democratic paper published in Yazoo City?—A. Yes, sir; I believe democratic. No other democratic paper published there. It is one of two papers.

By Mr. SINGLETON:

Q. There are several papers published there?—A. I think there are two papers published there.

By Mr. PEASE:

Q. In your re-examination I desire to ask you a question, whether you would consider the State militia a lawless force?

Mr. SINGLETON. I object to that. He is no judge.

Mr. PEASE. He has so stated. (To the witness.)

Q. (By Mr. PEASE.) Do you characterize the State militia as a lawless force?—A. Well, sir, if you will let me explain myself——

Q. Answer the question direct, whether the State militia is a lawless force.—A. Let me explain.

Q. You can explain.—A. I consider that any armed force going from one county into another, in a time of peace, when the constabulary force is sufficient to keep the peace, and there is no outbreak, I would regard it as a lawless force; that is the reason that I made use of the explanation.

Q. Now, was there such a condition of things in the county at the time?—A. Yes, sir.

Q. Was there peace and quietness?—A. Yes, sir; there was no disturbance, no force, no insurrection, nothing but what the constables of the county could control.

Q. And yet I think you stated that Mr. Morgan did leave; the sheriff of the county had left; that he could not stay there in peace. Did you not state that in substance?—A. I stated that my belief was that Colonel Morgan, the sheriff, was in danger of his life if he had returned to the county. My opinion is that he and Dixon would have got into a fight, and one or the other would have been killed.

Q. Do we understand you to say that all this apprehension was simply the difficulty between Mr. Morgan and Dixon only, and all these constabulary forces and organized men were armed and organized as peace forces—simply grew out of the personal difficulty between these two gentlemen?—A. O, no; I did not state that. I said that these men who organized these companies stated that there was danger of uprising and violence.

Q. An uprising by whom?—A. I don't know by whom. They told me they knew more about it than I did.

Q. You seem to be quite familiar with the history of those transactions. Give your views by whom the uprising was apprehended.—A.

There was some report that some negroes on some plantation in my neighborhood, north of me—that is, in the neighborhood of my plantation—that they had been trying to get up a force to come into Yazoo County to do violence. There was a report of that kind, I remember.

Q. That does not answer the question. You spoke of the apprehension of an uprising in your county. Now the question was, by whom?—A. I stated that these persons who were forming a military company so stated to me—that they wanted to be ready in case they would be called upon to assist the civil forces in the place to put down any uprising.

Q. Now, if they had reasonable grounds for their apprehension that the county was to be invaded, would you consider such a state of things a state of peace and quietness?

Mr. SINGLETON. I object to the question as to what he considers.

The WITNESS. I thought the question referred to the uprising in the county.

Q. (By Mr. PEASE.) You stated that there was an apprehension of an uprising of parties invading the county?—A. That was very rife indeed, and created excitement in the town and throughout the county.

Q. Now, then, my question is whether, in that state or condition of affairs, you would consider the situation as peaceable and quiet in your county?—A. It was peaceable so far as any local disturbance in the county was concerned; but the apprehension was of armed forces coming into the county from abroad, and that created an excitement in the county.

Q. I ask you the question whether these apprehensions were well founded or not; was it a matter of fact that in your neighborhood there was an armed body attempting to invade the county or city of Yazoo?—A. I cannot answer that question yes or no. It contradicts itself. It has no meaning. There could be no local disturbance and an invasion of the county.

Mr. PEASE. That is not answering my question.

Mr. SINGLETON. I insist upon it that he be allowed to answer it in his own way, or we will break up this examination.

Mr. PEASE. I shall demand a direct answer to this question or refer the matter to the committee.

The WITNESS. I will answer the first question. I think there was well-grounded apprehension of an invasion from abroad. So far as the local uprising there in my neighborhood was concerned, I do not think there was any serious apprehension.

Q. (By Mr. PEASE.) Now, then, I ask you this question: You have stated that there was just ground for apprehension. What was the ground for this apprehension of an invasion from abroad?—A. There were telegrams receiving from time to time during the day, said to be from Jackson to Yazoo City by citizens. One or more of them of Yazoo City were then in Jackson and gave this information.

Q. Gave what information?—A. That armed bodies were about leaving Jackson to invade Yazoo County.

Q. Now, was it not the fact that this telegraphic information was, that the militia of the State of Mississippi were to start from Jackson under the command of Colonel Morgan?—A. I think it was called "State militia." I stated a while ago I understood that Morgan was appointed to command them, but declined the appointment.

Q. That you heard afterward, did you not?—A. No, sir, not afterward. This all occurred in the course of a few days.

Q. Was not that the fact, that the militia was coming to re instate Mr. Morgan as sheriff?—A. Not that I know of.

Q. What was it that they were coming there for?—A. I do not know; rumors were very rife. I don't know what; it was said to be armed men coming into the county.

Q. What was the rumor? You say there were rumors. What were they? What did you hear they were coming there for?—A. I don't know, sir.

Q. Did you inquire as to the reason? Did you not make some inquiry that day as to the reason why these armed bodies of militia were coming to the county of Yazoo?—A. My understanding was that it was a sort of collision between the two political parties. What gave rise to it particularly and what was to be the end of it, that I did not know.

Q. You read the papers published in your county, do you not, Mr. Abbey?—A. Yes, sir, sometimes. I don't read them carefully—the political papers.

Q. At or about the time of this disturbance you read the papers pretty generally, did you not—the county papers?—A. I have already answered that I read them sometimes.

Q. At that time particularly?—A. Not carefully. I don't know that I read everything that is published there.

Q. Now, Mr. Abbey, I want to ask you whether or not you ever read this editorial a short time before the election in 1875:

[From the Yazoo Democrat.]

Let unanimity of sentiment pervade the minds of men. Let invincible determination be depicted on every countenance. Send forth from our deliberate assembly of the eighteenth the soul-stirring announcement that Mississippians shall rule Mississippi though the heavens fall. Then will woe, irretrievable woe, betide the radical tatterdemalions. Hit them hip and thigh—everywhere and at all times.

Carry the election peaceably if we can, forcibly if we must.

Do you recollect reading that?—A. I do not remember reading that article.

Q. You do not remember?—A. No, sir.

Q. Do you not remember hearing it spoken of?—A. I do not remember hearing that particular article spoken of.

Q. Or articles of similar import?—A. No, sir.

Q. Do you not remember anything like it?—A. Quite likely; we had such things all the time.

Q. I ask you whether or not you have read this editorial in the Yazoo Democrat, published about that time—prior to the election?

Mr. SINGLETON. State the time.

Mr. PEASE. Just before the election.

Mr. SINGLETON. Just before—how long before?

Mr. PEASE. [Reading from the Yazoo Democrat.]

There is no radical ticket in the field, and it is more than likely there will be none; for the leaders are not in this city, and dare not press their claims in this county.

That is from the Yazoo Democrat. Do you recollect reading that in the paper?—A. I don't recollect reading it.

Q. Do you recollect hearing of such an article?—A. I don't recollect hearing of it.

Q. Don't you believe it was published in that paper?—A. I have no belief on the subject. If I did read it, it has passed out of my mind. I thought but little about it; no more than about those heated editorials of election-times. I paid but little attention to it.

Q. Now, as a minister of the gospel, when a public journal in your community publishes such an inflammatory article as that—threaten-

ing violence—and it was generally talked about, would it not have made some impression upon your mind?—A. Well, sir, I do not know that it would. I paid but little attention to these inflammatory articles and squibs about the time of the election. I did not attach much importance to them. I may have seen that.

Q. You are in favor of peace?—A. Yes, sir.

Q. If a man smites you on one cheek you turn to him the other?—A. I have tried to keep the peace, and exercised my influence in that direction.

By Mr. SINGLETON:

Q. Do you know anything about these extracts which have been read?—A. No, sir; I do not know anything about them.

Q. Do you know whether they were taken from a paper in Yazoo County or from a paper in California?—A. I do not know.

Q. You do not know anything about them at all; they might have got them from any other paper as well as from a paper in Yazoo County?—A. I know nothing about them.

Q. Where is that paper published? [Handing.]—A. [Examining.] This paper is published in Yazoo City, and is dated January 30, 1877.

Q. Yes, sir. Is that the paper in which the letter of Houston Burruss is contained?—A. Yes, sir.

Q. Where does he live?—A. In Yazoo City.

Q. Right where that paper is published?—A. Yes, sir.

Q. Was Colonel Morgan a militia officer, that you knew anything of, who had a right to take control of the State militia?—A. I never heard anything of him as a militia officer.

Q. Did you think it right to put the militia under a man not a militia officer, and allow him to go into the county and invade it? Was it not to resist that that these people organized themselves against the incoming of the militia?—A. I told you my understanding was—my impression was—that any military force coming into Yazoo County from any other county, with or without authority, under whatsoever name it might be called, when there was no invasion, no insurrection, no uprising but what could be easily controlled by the civil authorities of the county, would be lawless and illegal. That was my impression at the time, and I think was the general understanding.

Q. Was that the understanding of the people in that county?—A. I think it was, sir.

By Mr. PEASE:

Q. One more question. I will ask you whether or not, if Colonel Morgan was sheriff of the county, he had not the right under the law to summon a posse for the purpose of re-instating himself and preventing bodily harm to himself in executing the law?—A. Undoubtedly.

Q. Undoubtedly he had that right in the county?—A. Yes, sir.

Q. Don't you think he would have the right or power to summon the State militia?—A. In the county?

Q. In the county or in the State.—A. Not in the State. I am not a lawyer, but I think he had no right to go out of the county for a posse when he could get a posse in the county.

ROBERT C. PATTY recalled.

By Mr. PEASE:

Question. I think you stated that during the canvass of 1876 there was a large meeting or barbecue held at Macon, on which occasion

General George, the chairman of the democratic central committee, spoke ?—Answer. I stated that there was a large meeting; I said nothing about a barbecue.

Q. General George was there on that occasion ?—A. He was.

Q. Do you know of any conference that was held on that occasion with General George and the leading democrats of the county committee ?—A. When the public meeting was over, General George met the county executive committee by request.

Q. What was done at that conference ?—A. The first I remember now, the committee was called for the purpose of consultation. General George was requested to give his views as to the proper course to be pursued, and inform the committee as to the general prospects of the State.

Q. Where was this meeting held ?—A. In the court-house, in the room now occupied by the county treasurer.

Q. Were you present ?—A. I was.

Q. Will you state whether or not there was anything said about inquiring into the certification of the poll-books ?—A. Not a single word on the subject.

Q. Did you know on the day the election was held whether the poll-books of that county were properly certified to which were sent to the different precincts ?—A. My understanding and information is that they were not.

Q. That they were not ?—A. That they were not certified to properly when they were sent out.

Q. Why not ?—A. I have no knowledge, except from information.

Q. What is your information ?—A. My information is contained in an affidavit made by W. W. Doss, a member of the county board of registration, which I submit as my answer to your interrogatory.

Q. Just read it.—A. It is:

THE STATE OF MISSISSIPPI, *Noxubee County:*

This day personally came before me, the undersigned clerk of the chancery court in and for said county, W. W. Doss, who, being by me duly sworn, deposes and says that he was a member of the board of registration of said county in the year 1876; that W. B. Shumaker and W. H. Kennon were also members of said board, and that W. B. Shumaker was president of said board.

Deponent further says that the duties of said board, in registering the qualified electors of the county of Noxubee prior to the election in November, 1876, were performed faithfully, and in accordance with the registration-law as understood by said board.

Said deponent further says that the poll-book for each election-precinct as it was copied alphabetically from the registration-book was placed in the office of the circuit clerk of said county, in charge of the deputy clerk in said office, W. H. Kennon, who was a member of said board of registration, as hereinbefore mentioned.

Deponent further says that on Friday before the election on Tuesday, November 7, 1876, and before all the poll-books had been prepared, and while the board were busily engaged transcribing them, that J. B. Allgood, the sheriff of said county, came to the office of the said board of registration and demanded the poll-books for certain precincts, stating that he wished them to send out as rapidly as possible.

Deponent further says that said J. B. Allgood was informed that such of the books as had been copied off were in the circuit-clerk's office; and said board thinking that the books were in perfect accordance with law suffered the said sheriff to take and distribute them.

Said deponent further makes oath that on Monday evening, November 6, 1876, when the said board of registration had completed the poll-book for Macon precinct, which, was the last one to be finished, W. B. Shumaker, president of said board of registration, while swearing the registration-law, found that a certificate was required to be attached to each book, of which fact we had all hitherto been entirely ignorant.

Deponent further says that the said board of registration discussed truly the nature and probable effect of the mistake they had committed, and the best means to correct it; whereupon W. H. Kennon, one of the members of said board, as hereinbefore stated, said that as the books had all been sent out to their respective places we could not recall them in time, but could place our certificate on them hereafter, which would suffice.

Deponent further says that the failure on the part of said board to place the required certificate one ach poll-book was an oversight on the part of the board, no member having from his previous reading discovered that requirement of the law, and the finding of such requirement was a surprise to the members of the board.

Deponent further says that W. B. Shumaker, who was the president of said board of registration, has removed his residence from this county to the county of Winston, Mississippi, but that he would, if here, or will, if called upon, subscribe to and indorse the facts hereunto set forth.

W. W. DOSS.

Sworn to and subscribed before me this January 22, 1877.

ROBERT PATTY, *Clerk*,
By T. T. PATTY, *Deputy Clerk*.

Q. Now, Mr. Patty, I would like you to answer whether the majority of the board of registration were democrats.—A. Two democrats and one republican.

Q. The president was a democrat?—A. Yes, sir.

Q. Now I ask you this question, whether or not you ever heard, at any time, General George express any sentiments as to the certification of these poll-books.—A. I never did in my life. I state that positively and emphatically.

Q. Did you ever hear that he made any statement about such certification?

Mr. MONEY objected. Objection overruled.

A. I never did in my life. I can state something that General George did say that day.

By Mr. PEASE:

Q. Never mind. Now, then, it was a fact, was it not, Mr. Patty, that a number of the precinct poll-books were not certified to when sent out?—A. Yes, sir; it is set forth in that affidavit, and I believe that affidavit to be true.

Q. How many of them?—A. I don't know, sir; he says all.

Q All of them. As a matterof fact, was it true that all of them were not?—A. I don't know.

Q. Don't you know that some of them were certified to and some were not?—A. I don't. My impression—I referred to that affidavit. I understand from the affidavit that the Macon book was certified to. The book was in the hands of the board of registration.

Q. That was certified to?—A. I understand that from that affidavit.

Q. Do you know the reason why the other books were not?—A. I believe the affidavit to be true, and the affidavit says that the mistake was not discovered until after the books were sent out.

Q. You simply give your belief as to the truth of the affidavit?—A. Merely an opinion on my part.

Q. The failure on the part of the board to certify the registration poll-books of the several precincts did not interfere very materially with the polling of the votes in that county in the election of 1876?—A. I think it did, sir.

Q. Were you at Macon on the day of election?—A. I was.

Q. How was the voting conducted in Macon on that day?—A. The ballot-box was in the bar of the court-room, in charge of the board of registration. The clerks and the United States supervisors were present. My recollection is—my impression is—that a deputy sheriff was stationed at each door, and voters were admitted as the board of registration directed.

Q. State the order of the voting—who voted first, white or colored people, at Macon.—A. They were voting whites and blacks together;

my impression is that a majority of the white people voted early in that day. I did not vote until the evening.

Q. Did they form any line, at the polls, of white people?—A. No, sir; not any line. The sheriff, who was a republican, and who was acting also as United States deputy marshal, directed the colored people to form in line and come in; but that was not done. I interposed, and suggested the impropriety of such an arrangement, and he withdrew his suggestion.

Q. Did the majority of the white people vote first at Macon?—A. I think so; of course, I have no means of knowing the proportion in which they voted.

Q. Now, these books sent out to the various precincts of the county were the record of the votes, and those books were kept without this certification?—A. I don't understand the question.

Q. At the election in the several precincts, were the votes recorded upon these registration-books after the legal certification?—A. I don't know. I presume they were from the fact that the law requires the managers or clerks, when they vote—when a vote is deposited—to record on the book of the poll "voted."

Q. Don't you know that these books, from several precincts of that county, were brought back again on the day of election to the county-seat for certification?—A. I do.

Q. Do you know what time of day they were brought back?—A. The first, I think, was between ten and twelve o'clock. I am not positive as to the hour.

Q. What hour was the next one?—A. I think that three others were brought in within two hours after the arrival of the first.

Q. The first about eleven?—A. Between ten and eleven, I think.

Q. That would have made it between twelve and one?—A. No, sir. I stated within two hours after the arrival of the first.

Q. The first arrived between ten and eleven?—A. No, sir. I did not say that, but between ten and twelve.

Q. You don't know what hour it was?—A. It might have been, I think, ten to twelve.

Q. And the others came in some two hours afterward?—A. Yes, sir.

Q. How far had these books, which came in after the first one you mentioned, how far had they to travel to get back at the respective places of voting?—A. I think one precinct was twelve miles from Macon, another ten; another about ten or twelve; another, I think, eight; another, ten; that is the approximation of the distance.

Q. Now, at the several precincts you mention, I ask you whether or not there was not a preponderance of colored votes?—A. The registration shows a preponderance of colored men?

Q. Yes, sir.—A. I don't know as to their political complexion.

Q. Now, then, Mr. Patty, do you or do you not know that at these several precincts, after the officers holding the election had returned, that arrangements were made for the whites or democrats to vote first, and then the colored votes were deposited?—A. I don't know such to be the fact of my own knowledge. I can state upon information what I understood the arrangement was.

Q. Now, was not the common report and rumor that such was the case?—A. It was not. I can state what the rumor was.

Q. You can bring that out afterward. As a matter of history and record, were not all the white votes of that county polled on this occasion?—A. I don't know.

Q. As compared with the registration?

Mr. MONEY. He cannot tell about the vote of the white people by the registration.

Q. (By Mr. PEASE.) I ask the question, how many votes were polled in the county?—A. Three thousand and fifty-nine.

Q. How many white votes were polled?—A. I don't know.

Q. Did you not state yesterday?—A. I have not stated the number.

Q. How many whites were registered?—A. One thousand one hundred and fifty-eight.

Q. You do not know how many of the one thousand one hundred and fifty-eight voted?—A. I don't.

Q. Have you not got the books?—A. I have.

Q. Have you not seen the books?—A. I have never opened one of them since the election.

Q. Is it not your impression and belief that you polled the entire strength of your vote that day?—A. It is not my impression that we polled the entire strength.

Q. How near it?—A. At Macon there were twenty or forty white men that did not vote; that is merely an estimate. I know white men that did not vote.

Q. They were not prevented from voting in consequence of any failure to conform to the law, were they?—A. I think not.

Q. Now, Mr. Patty, do not you know that this was a matter of general notoriety in that county that a large number of the negroes and republicans had failed to vote that day because of want of time?

Mr. MONEY. I object to that; it is a matter you introduced yourself.

The WITNESS. I know a large number of colored men who failed to vote, but I do not know for what reason.

Q. (By Mr. PEASE.) Now, I ask you whether, at any one of these precincts, after the hour of—we will say within the limits of what you stated it—twelve o'clock——

Mr. MONEY. I object to this testimony of yours going into the record; you are not a witness on the stand.

Mr. PEASE. Whether, after the persons in charge of these records, traveling from Macon to these respective points, arrived—whether or not there was time to have polled the whole vote of these several precincts?—A. I do not know.

Q. (By Mr. PEASE.) You do not know? What time, under the law, were they required to close the poll-boxes?—A. At six or eight o'clock; I am not positive.

Q. Have you the white and black registration at Prairie Point on your paper?—A. White, 67; black, 628.

Q. Was that one of the boxes where the books failed to give the proper certification?—A. It was.

Q. It was brought to Macon and returned?—A. Yes, sir.

Q. What was the vote at that precinct?—A. Democratic, 98; republican, 88. No election at all was held at that precinct in 1875, under the republican administration.

Q. Do you know the registration vote at Centre Point?—A. White, 76; colored, 510.

Q. What was the vote of that precinct?—A. Democratic, 135; republican, 29.

Q. Have you the Cliftonville registration vote?—A. I have. White, 89; colored, 693.

Q. How far is Cliftonville from Macon?—A. I think fifteen miles.

Q. They had to travel, then, thirty miles from the time they left in the morning before they got back there?—A. Yes, sir.

Q. What was the vote of that precinct?—A. Cliftonville, democratic, 155; republican, 135.

Q. Was the election at Macon a fair one?—A. Fair in what particular? I never heard any complaint.

Q. Everybody had opportunity to vote?—A. So far as I know.

Q. Do you know what the relative vote between the two parties in Macon was?—A. I do.

Q. What was it?—A. Democratic, 346; republican, 747.

Q. Have you the registration of Macon?—A. I have.

Q. Please give it.—A. White, 332; black, 870.

By Mr. MONEY:

Q. In your cross-examination you were required to give a categorical answer to the questions. Did the legislature of 1876 repeal the law providing for the two-mill tax for common-school purposes?—A. I may answer to that question, yes.

Q. Explain your answer.—A. In the explanation I desire to submit sections 6 and 7 of an act of the legislature of Mississippi, approved April 10, 1876, in which the two-mill tax is repealed and provision made for a similar amount for common-school purposes, viz:

Extracts from an act to reduce taxes, and for other purposes.

SEC. 6. *Be it further enacted*, That it is hereby made the duty of the State treasurer to convert the amount of the common-school fund now in United States bonds into bonds of the State of Mississippi, on the basis of the market-value of each, either by an exchange of said bonds or by selling the United States bonds and purchasing at the market-price bonds of the State, and shall hold the principal and interest of said State bonds for distribution among the several counties for school purposes. He shall give preference in the purchase of bonds to those maturing on the 1st day of January, 1877, but may purchase other bonds when more advantageous to do so. He shall keep an account of all transactions made under this section, with date to whom sold or from whom purchased, price received or paid, and total amount of each sale, and report to the legislature at its next session. He shall, on or before the 30th day of November next, report to the auditor of public accounts the amount in currency of said fund that will be in the treasury on the 1st day of January, or as soon thereafter as the taxes of 1876 are received. The auditor shall, on the 1st day of December, or as soon thereafter as practicable, proceed to distribute said fund to the several counties in proportion to the number of educable children in each, by issuing his warrant on the treasury for the amount due each county, and transmitting such warrant to the treasurer of the county, with instructions to the tax-collector to pay such warrant out of the special bond-tax as soon as he shall have collected a sufficient amount of said special tax for that purpose. The State treasurer shall receive such warrant from the tax-collector on account of settlement of the special bond-tax; and the proceeds of said school-fund are hereby set apart and appropriated to the payment of the warrants herein authorized. If the treasurer shall have purchased any State bonds not maturing on the 1st of January next, he shall sell the same whenever necessary to the proper carrying out of the provisions of this section.

SEC. 7. *Be it further enacted*, That all money coming into the State treasury on account of license to retail vinous and spirituous liquors, the net proceeds of all fines and forfeitures, and proceeds of land forfeited to the State for non-payment of taxes, shall be distributed on 1st day of January to the several counties in the same manner as provided in section 6 for the distribution of funds now in the treasury, and the warrants issued for the distribution of the school-fund as provided in this act shall not be transferable, but payable and receivable by the officers only as herein directed. The levy of two mills for school purposes is hereby repealed, and if the whole amount distributed under the provisions of this act be less than the whole amount derived from a tax of two mills for the last fiscal year, then the State treasurer is hereby authorized and required to transfer from the general fund to the school-fund a sufficient amount to make up such deficiency, which shall be distributed as aforesaid.

Q. You also stated in answer to a question about the State debt and rates of taxation that you could furnish the figures. Are you prepared to do so?—A. I am.

Q. Will you furnish them?—A. The figures asked for are as in the report

of the special committee of the two houses of the legislature of Mississippi, made to the legislature on the 12th day of April, 1876, and are to be found on page 623 of the journal of the house of representatives.

Q. That is the report of the committee of the house and of the senate?—A. The joint committee.

Q. Is there not a republican on that committee?—A. Yes, sir.

Q. Who is it?—A. J. E. Eberett, on the part of the senate. This is the document:

REPORT OF SPECIAL COMMITTEE.

Mr. Speaker, the joint special committee appointed under house concurrent resolution No. 17, to investigate and ascertain the indebtedness of the State on January 1, 1876, and the value of the taxable property thereof, have had the same under proper investigation, and have instructed me to submit the following report:

On January 1, 1876, the State debt was			$3,341,162 89
On January 1, 1876, the assets were		$709,558 65	
Less one counterfeit		100 00	
			709,458 65
Leaving indebtedness over assets			2,631,704 24
Of this there is due:			
To Chickasaw school-fund			$814,743 33
To common-school fund			769,451 97
Amount bonds due January 1		$250,000 00	
Less bonds paid and not audited	$123,460 00		
Less currency set apart to pay balance	59,585 75		
		183,035 75	
			66,700 00
Amount bonds due January 1, 1877			315,000 00
Amount bonds due January 1, 1878			152,400 00
Amount bonds due January 1, 1879			66,964 25
Amount Chickasaw school-fund, interest due counties, (not drawn)			2,301 46
Amount railroad-tax of 1875, due counties, (not drawn)			12,384 24
Amount certificates of indebtedness		$171,950 00	
Less certificates in Treasury		121,444 00	
			50,506 00
Amount State warrants outstanding		600,128 28	
Less warrants paid on the railroad settlements	$185,169 97		
Less warrants paid and not entered	21,775 80		
Less currency set aside to pay on balance	12,029 42		
		218,975 19	
			381,153 09
			2,631,704 24

The bonds all bear interest at the rate of 8 per cent. per annum.

The value of the taxable property of the State is as follows, to wit:

Lands assessed to owners		$83,774,279	
Held for non-payment of taxes		12,099,218	
			$95,873,497
Assessed value of personalty			35,539,555
Grand total			131,413,052
Deduct land held for non-payment of taxes			12,099,218
Leaves this value of realty and personalty available for taxation			119,313,834

In this calculation the property of Marion, Neshoba, and Rankin Counties is estimated at its value in 1874, as no report has been made for the year 1875.

The rate of State taxation has been as follows:

In 1865 it was $1.00 on the	$1,000 00
In 1866 it was $1.00 on the	1,000 00
In 1867 it was $1.00 on the	1,000 00

(With fifty cents additional on account of the convention.)

In 1868 it was $1.00 on the	$1,000 00
In 1869 it was $1.00 on the	1,000 00
In 1870 it was $5.00 on the	1,000 00
In 1871 it was $4.00 on the	1,000 00
In 1872 it was $8.50 on the	1,000 00
In 1873 it was $12.50 on the	1,000 00
In 1874 it was $14.00 on the	1,000 00
In 1875 it was $9.25 on the	1,000 00

It may be proper to remark here that by legislative enactments a small part of the judiciary expenses of 1874, and a large proportion of said expenses for the year 1875, amounting together to about $165,000, were transferred from the State to the counties, and that the State indebtedness on January 1, 1876, would have been increased to that extent but for said transfer, making $2,796,704.24.

The indebtedness of the State on the 1st day of January, 1870, up to which period the tax had been only $1.00 on the $1,000, amounted to only $1,177,629.24, the items of which were as follows:

To Chickasaw school-fund	$814,523 39
To Chickasaw school fund, (interest not drawn)	151,916 56
To on standing warrants	211,735 38
	1,178,175 33
Less current funds in treasury	546 09
	1,177,629 24

At that time the taxes were collected in the spring of the year, to wit, the 1st of May; and the following items, though received in 1870, should go to reduce the indebtedness of the State which had accrued prior to January 1, 1870, as none of these items include any portion of revenues that were levied by taxation for 1870, but were receipts of taxes, &c., for 1869 and previous years:

State tax of 1869, received after January 1, 1870	$254,974 49
Cotton-tax of 1869, received after January 1, 1870	141,636 79
Tax-sales received after January 1, 1870	14,454 58
Redemptions received after January 1, 1870	5,691 02
State deeds received after January 1, 1870	12,318 46
Sales M. reports received after January 1, 1870	750 00
Internal-improvement fund received after January 1, 1870	281 15
	430,106 40

Deduct this amount from the above indebtedness, and the remainder will show the indebtedness of the State to have been on January 1, 1870, $747,522.75.

This amount would have been greatly reduced by the proper use of the following assets. At that time the State owned assets to the amount of $865,025, arising from the internal improvement fund, being shares to that amount of capital stock in the following roads:

In Mississippi Central Railroad	$272,350 00
In New Orleans, Jackson and Great Northern Railroad	448,375 00
In Mobile and Ohio	144,300 00
	865,025 00

These assets, which were worth at that time, as the committee are informed and believe, $250,000, were swept away by an act of the legislature in February, 1871, authorizing their transfer to the New Orleans, Jackson and Great Northern Railroad for the purpose, as stated in the act, of securing the extension of said railroad through the State, from which extension the company was released at the next session of the legislature, and thus this amount was lost to the State.

On the 1st of January, 1870, the State held another good asset, (a penal bond of the New Orleans, Jackson and Great Northern Railroad,) amounting at that date, with unpaid interest, to $276,000. In 1857 the State loaned the New Orleans, Jackson and Great Northern Railroad $200,000, and took a penal bond for its payment, secured by two hundred thousand dollars first-mortgage construction-bonds of said road, bearing 8 per cent. interest, with the proper number of semi-annual coupons attached, agreeable to date of penal bonds, all dated July 1, 1856, and payable July 1, 1886. Thus the State held on January 1, 1870, first-mortgage bonds and coupons amounting together to over $400,000, worth at that time, as the committee is informed and believes, in the city of New York, about eighty cents on the dollar, whereas sixty-nine cents on the dollar would have paid into the State treasury the $276,000 which were due the State.

Now, estimating the $865,000 railroad-stock at	$250,000
And the New Orleans, Jackson and Great Northern penal bonds at	276,000
And they make	526,000

Which should be deducted from the foregoing apparent indebtedness on January 1, 1870, in order to ascertain the then true indebtedness over and above the available assets.

Thus deduct from	$747,522 75
This amount	529,000 00
And there remains	221,522 75

As the State indebtedness over current funds and available assets on January 1, 1870.

RECAPITULATION.

On January 1, 1870, the State indebtedness over current funds and available assets was $221,522.75.

On January 1, 1876, the State indebtedness over current funds and available assets was $2,631,704.24.

On January 1, 1876, the value of realty and personalty available for taxation was $119,313,834.

Rate of State taxation.

In 1865 $1.00 on $1,000 of property.
In 1866 $1.00 on $1,000 of property.
In 1867 $1.00 on $1,000 of property, and fifty cents convention tax.
In 1868 $1.00 on $1.000 of property.
In 1869 $1.00 on $1,000 of property.
In 1870 $5.00 on $1,000 of property.
In 1871 $4.00 on $1,000 of property.
In 1872 $8 50 on $1,000 of property.
In 1873 $12.50 on $1,000 of property.
In 1874 $14.00 on $1,000 of property.
In 1875 $9.25 on $1,000 of property.

The committee has endeavored to make simply a statement of facts and figures, without indulging in any comment thereon.

All of which is respectfully submitted.

A. J. SYKES, *Chairman.*
J. E. EVERETT,
WM. H. SIMMS,
On the part of the Senate.
A. J. SYKES,
I. T. BLOUNT,
M. R. JONES,
On the part of the House.

Q. On cross-examination you were interrogated as to the legislation of 1865. I think your reply was that it was copied or modeled after the legislation of Northern States, according to your information. Give me your sources of information on that point.—A. From a circular-letter of General George, together with an appendix and digest of the legislation in other States, viz:

JACKSON, MISS., *September* 4, 1875.

DEAR SIR: I received, several days ago, your letter, in which you state that there are many colored men in your vicinity who are convinced that great maladministration and waste of public funds have characterized the rule of the republican party in this State, and who are sincerely anxious for reform, but that they doubt the sincerity of the declaration of principles contained in our platform, and feel an apprehension that if the democrats and conservatives get into power the rights of colored people will be, in some way, destroyed or abridged.

I have similar reports from other parts of the State, coupled also with the information that the reason given for this distrust of the white people is the alleged injustice of the legislation of 1865 in reference to freedmen.

The argument presented to the freedmen by those who would still further inflame the colored people against the democrats and conservatives is that the democrats were in power in 1865, and the result was the legislation of that year; and that if they were again in power it is a fair presumption they would act as it was charged they acted then.

If this charge is made simply against the democratic party as a political organization, and is intended alone to affect men who are democrats, it is easily answered. There was in this State, in 1865, no organized democratic party, nor in fact was there any organized political party of any sort. No man was elected to the legislature of 1865 because he was then, or ever had been, a democrat, though the fact that they had been democrats and secessionists was deemed a sufficient reason, in many instances, why men in all respects qualified for the position should not be elected. The men who had been democrats, or who claimed to be democrats then, did not constitute a majority of the legislature, nor did such men control or inspire the legislation of that body. In that year no democrat was elected to Congress, and, as far as I now remember, none offered for that position. The same is true with reference to the office of governor, the two most prominent candidates for that position being Judge Fisher and General Humphreys, neither of whom had ever been a democrat, and the former is now a republican. The Senators elected by that legislature (Judge Sharkey and General Alcorn) were always bitterly opposed to the democratic party, and one of them (General Alcorn) is now, and has been since the first organization of the republican party in this State, a consistent member of it. General Alcorn was a member of that legislature, as was also Hon. J. L. Morphis, late republican Congressman from the district now represented by Colonel Lamar, and Hon. Robert Leachman, now a republican judge; and there were others who have been since and are now members and leaders of the republican party. I do not remember that there was more than one man in that legislature who had before that time acquired any eminence as a democratic leader.

Reference to these matters is not made with the view of throwing whatever odium that subsequently may have attached to the measures of that legislature upon the whigs or republicans of the State. In fact no party was responsible for them, for there was no organized party here then of any sort. Whatever responsibility exists in reference to these measures attaches to the white people of the State—those who had been democrats, those who had been whigs, and those who have since become attached to the democratic and conservative parties, and those who became attached to the republican party.

There is nothing, then, in the legislation of 1865 which can rightly be made the ground of distrust on the part of the colored people to the democrats and conservatives of Mississippi, as an organized party. If they are to act on prejudices growing out of that legislation, their action must be against the whites, democrats, conservatives, and republicans, as a race, who, as I have above shown, are responsible for it

But can the colored people refuse to co-operate with the whites in their efforts to secure good government and a fair and equal administration of the laws, upon any idea that such a co-operation is to result in the loss of their rights? Can they refuse to co-operate with the democrats and conservatives upon any such idea?

If white men, as such, are to be regarded as enemies of the colored men, and therefore not to be trusted in political association with them, then indeed do the rights of the colored race rest, for security, upon a most unstable and frail foundation.

The white race in the Union outnumbers the black in the proportion of ten to one, and this proportion, by migration and other causes, will from year to year be continually increasing, as against the blacks. The colored people cannot afford thus to make a race-issue with us. If it be said that they are now in a majority in this State, and that they are at least safe here in refusing co-operation with the whites, then I answer that the whites possess the wealth of the State, own the land, and when they perceive there is no other chance for good government here, or even to preserve their property from confiscation by taxation, they can and will, in less than a year, change the majority to their side by a free gift of their lands to white immigrants. They will be prepared then to give away a part to save the remainder.

Nor can the blacks afford to act on the idea that their rights are unsafe with democrats and conservatives. In the ever-changing condition of parties in this country no one party can claim a perpetual lease of power. The republicans have already lost their control in a majority of the States of the Union, and in the United States Congress. There is no sound reason to believe that the revulsion of last year against the republicans will be changed in time to save to them the next presidential election. California has just elected a democratic governor and legislature, by large majorities, the first time in many years. The outlook in the other States is equally encouraging, and it requires no prophet to see that in the next presidential election that party will be restored to power in the nation.

Are the colored people prepared to see this result brought about against their united voices, when this unity is based on the charge that the democratic party cannot be trusted to give them their rights? Are they to select willingly, as the only firm foundation of their privileges, a party merely, which, without a thorough reformation of its practices, will soon be in the last stages of dissolution? Why do they not, as the white race does, place the security of their rights upon the Constitution and the good faith of the whole American people, and thus be restrained by no benumbing fear nor false prejudice from performing

that highest duty of American citizenship, active co-operation with any party or race which is seeking the overthrow of corruption and a reform in the administration of the Government.

If the colored race have been led to believe that the white people of the North will sustain them in misgovernment, they will be sadly mistaken.

The late war, while it engendered bitter animosities between the whites of the North and South, also removed the cause of any sectional difference between them in future. The bitterness engendered by the war is fast disappearing, and he is blind, indeed, who cannot see that the tendency of the times is to fraternization between the North and South, and complete oblivion of the past. The centennial year will witness a meeting of the people of both sections at the birth-place of the Declaration of Independence, to commemorate the great action of Southern and Northern white men in making that declaration good. Questions, non-sectional, will arise, in fact have already arisen, on which parties will divide. The nation, in its great march of progress, will not stop to consider the dead issues of the past, nor will the people allow this progress to be impeded by any race or section. The colored people will be expected to contribute their share to this progress. They were made free by white men not for the purpose of enslaving other white men. They were also invested with the right of suffrage by white men not that they might use the ballot for the destruction of white men. They are expected to assume the responsibilities and discharge the duties of freemen, as well as to enjoy the right, and privileges of freedom. The people of the North, already disgusted with the miserable governments which have been established and kept up in the South through the agency of negro voters, are now beginning to inquire in what manner the colored people have exercised the rights of freedom. And, whilst great allowance has heretofore been made for their ignorance and inexperience, now, at the end of a decade from their emancipation, it is begun to be insisted on that the reign of corruption and misrule which has so cursed the South shall cease.

It is expected of the white people that they shall concede to the colored people all their rights, as defined in the Constitution, This has been done, fully and unreservedly; and it is now expected that the colored voter, after all this experience of ruin and disaster caused by his blindly and implicitly following the adventurers who have undertaken to rule in this State, shall not allow his prejudice to the dominant race in the Union to cause him to decline to co-operate with that race in securing good government.

The plea that the whites are not to be trusted because of the legislation of 1865 will not be received as a good one. The answer to it will be found in the legislation of the Northern States themselves, in the action of the United States Congress and Executive, preparatory to emancipation during the late war, and in the example of Great Britain when she abolished slavery in the West Indies.

A short review of this legislation will be well; for it will be found, after all, that the legislation of 1865 has in most of its provisions its prototype in the legislation of the Northern States, and, taking all together, was more moderate in its character, securing greater and more substantial rights to the freedmen, and that at a shorter period, than the legislation attending emancipation in any other country.

It will be seen that this legislation was, in fact, an attempt to solve a great problem, to evade a great difficulty, and that this solution and evasion were wrought out, or attempted to be so, with less infringement on the rights of the colored people than in any other State where slavery had once been established.

It is complained that the whites of Mississippi did not at once allow the freedmen to hold real estate, and that each one was required to have a home or employment by the 1st day of January, 1866.

In New Jersey, Pennsylvania, Connecticut, and Rhode Island, when they were set free, they were not allowed the privilege of selecting homes at all. They were required to remain with their old masters and serve without pay; those already born when emancipation took place, for life, and those born afterwards from twenty-one to twenty-eight years. In the British West Indies an apprenticeship of the freedman to his former owner of from five to seven years was required. The legislature of 1865 gave to the freedmen the right to select their own employers, and to receive the wages of their own labor, only requiring that they should have homes and an employer by a day named.

Again, the States before named just as effectually prohibited negroes from having real estate as did the legislature of Mississippi; for how could they have real estate when they were bound to remain with and serve their former owners for the terms before stated?

But if it be said that it was harsh to require the freedman, then just emancipated, to have employment, it will be found that this was much less harsh than the legislation of the Northern States. The truth is that all white people who had known anything of negro slavery doubted that, when set free, they would voluntarily work and support themselves, and it was feared that pauperism would be largely increased by the emancipation of even a few negroes.

Massachusetts prohibited any owner from even emancipating his slaves unless bond and security were given that he should not become a charge upon the town, stating as a reason therefor that "great charges and inconvenience had accrued to divers towns by the setting free of negro and mulatto slaves." Ohio, Indiana, and Illinois prohibited free negroes

and mulattoes from coming into and settling in those States without such a bond being given, and they imposed heavy penalties on any person who would harbor, employ, or give sustenance to such a negro. And finally, after many years' experience with this class of people, Indiana and Illinois, by constitutional provision, prohibited the removing to and settling within their borders of free negroes and mulattoes on any terms whatever.

Oregon (which was settled almost exclusively by northern men) likewise, by a similar constitutional provision, prohibited the immigration of free negroes and mulattoes, and deprived all such so settling in the State of the power to hold real estate or to make any contracts within the State, or to maintain suits in her courts.

Rhode Island, more than thirty years after slavery had been abolished there, would not allow licenses to keep a tavern or any kind of a public house to be granted to negroes or mulattoes, nor would she allow a negro or mulatto to sell liquor, as the agent or employé of a white person.

It is objected to the legislation of 1865 that the orphan children of deceased freedmen were required to be apprenticed, and that in binding such out the court was required to give the preference to the former owner, if found suitable.

This provision in the laws of 1865 was much more liberal than similar provisions in Northern States. Connecticut, Rhode Island, Pennsylvania, and New Jersey, in their statutes abolishing slavery, provided that the children of living freedmen, not orphans merely, should remain bound to their former owners till they were twenty-one years old in some of these States, and till they were twenty-eight in others.

The Mississippi acts of 1865 required colored apprentices to be taught to read and write, but the Illinois statutes, while requiring white apprentices to be taught to read and write and to know arithmetic, provided that colored apprentices should only be taught to read.

It is again objected to the legislation of 1865 that our colored friends were unnecessarily degraded by the provision in relation to their being witnesses. This provision allowed them to be witnesses in all cases where colored people were interested, or had been injured, although white people were also interested in the suit or proceeding. This was ample to protect the rights of the colored people in all cases where they had any interest. If any were injured by their exclusion from being witnesses in cases where whites only were interested, it is clear that only the whites themselves were the sufferers. But this law is more liberal than that which obtained in the Northern States for many years after slavery had been abolished there.

In Indiana, Illinois, Iowa, and Kansas, negroes and mulattoes were not allowed to testify in any case in which a white person was interested, although free negroes and mulattoes were also interested.

In many States they were not allowed to serve as jurors. In all the New England States such qualifications were required and such a mode of selection adopted as almost necessarily excluded all negroes from juries. In Pennsylvania, Ohio, Indiana, Illinois, Wisconsin, Minnesota, Nebraska, and Kansas, free negroes and mulattoes were expressly excluded from the jury-service, and in all others they were practically so excluded.

Free negroes and mulattoes were also excluded from the service in the militia in the following States: Massachusetts, Connecticut, (as late as 1866, and even up to 1875;) New Hampshire, (up to 1852, and afterward;) Pennsylvania, (up to 1872;) New Jersey, (up to 1874, and later;) Vermont, (up to 1870;) Indiana, (up to the present time;) Illinois, (up to 1870;) Iowa, (up to 1857, and probably up to this time;) Michigan, (up to 1870;) Wisconsin, (up to 1858, probably later;) Minnesota, (the same;) Nevada, (up to 1873, probably to the present time;) Kansas, (up to 1859, and probably till 1868.)

It is also claimed, as an evidence of the unfriendly feeling of the whites toward the blacks in 1865, that no provision was made for their education. It will be remembered, that at that time the State was greatly impoverished, and that no public schools were, or could be, put in operation for any race. The great and pressing necessity of our people then was food and raiment; but even then, as above shown, provision was made more liberal than in the Northern States for the education of apprenticed freedmen. As late as the 6th of March, 1865, (the very year in which this legislation was had,) Indiana re-enacted a provision which had long been standing on her statute-books, that the school taxes should only be collected from whites, and only white children should go to the public schools; and in Illinois, the school-tax was to be divided between the whites and blacks, by giving to each race what that race paid: which, considering the poverty and small number of blacks, was an effectual exclusion of that race from the benefits of education. In Nebraska, the common schools were for whites only till 1869.

The police regulations and provisions against vagrancy as applied to free negroes and mulattoes were also more stringent in the Northern States than those contained in the legislation of 1865. In Massachusetts, long after slavery was abolished, negroes and mulattoes were prohibited from entertaining any negro or mulatto servants, *i. e.*, apprentices. In Rhode Island, they were, as before stated, prohibited from keeping any public house of entertainment or saloon, nor were such persons allowed to keep a disorderly private house, nor entertain at their own private dwelling at *unseasonable hours, or in an extravagant manner*, any person whatever, under penalty of having their private housekeeping broken up, and themselves bound out to service for two years. And in Illinois no person was allowed to

permit three or more servants of color to meet at his house for the purpose of dancing and reveling.

Intermarriages between whites on one side and negroes and mulattoes on the other were prohibited and made void in most of the Northern States. In Massachusetts, the provision was that "no one of the English, Scot, or other Christian nation shall intermarry with a negro or mulatto," and a penalty of $250 was imposed on any minister solemnizing such a marriage. In Rhode Island, intermarriages between white and colored persons were prohibited and made void, and this provision was re-enacted as late as 1872. This provision was re-enacted in Maine in the revision of 1871. In Ohio, Indiana, Illinois, Michigan, and Nebraska, and probably in other States, such intermarriages were declared void, and these provisions were re-enacted in some of these States since the conclusion of the war. In Illinois and Indiana, such intermarriages were so thoroughly condemned that the parties to them were punished by confinement in the penitentiary. And in Illinois they were also punished by whipping, and an officer granting license for such a marriage was made thereafter ineligible to office. In these last two States, as a condition of settling and remaining there, in addition to what has been before set forth, colored persons were required to give bonds in large penalties, which were to be forfeited upon the least violation of the laws of the State by them.

As to the right of voting, the laws in the Northern States were equally stringent as against persons of the African race. In Rhode Island, Connecticut, Maine, Pennsylvania, New Jersey, Ohio, Indiana, Illinois, Iowa, Michigan, Wisconsin, Oregon, Nebraska, Nevada, Kansas, free negroes and mulattoes were prohibited from voting; and in nearly all of these (see appendix) the provision remained unchanged until the adoption of the fifteenth amendment in 1870. In many of these, the provision excluding negroes and mulattoes from voting remains unchanged in terms in their present constitutions, and their right to vote in these States rests entirely in the fifteenth amendment. It will be noted, too, that in some of these States unnaturalized foreigners and Indians were allowed to vote, yet the right was denied to persons of African descent; and it will be noted, also, that this exclusion obtained in the States where the colored population was so small that if they had been allowed to vote, the exercise of the right by them would have had but little effect on the result of the elections. That the right of voting was almost universally considered as belonging solely to the whites in the Northern States, up to the adoption of the fifteenth amendment, I refer to the proclamations of President Lincoln, dated December, 1863, and July, 1864, and designed to secure a reconstruction of the Southern States, in which suffrage was confined to whites only; and Congress, in the year 1864, passed an act for the same purpose, giving only whites the right to vote. (See U. S. Statutes at Large, vol. 13, pp. 737 and 744.

And in Mr. Lincoln's proclamation, above referred to, dated December, 1863, this remarkable passage occurs: "That any provision that may be adopted by such State government" [referring to the State governments to be reconstructed in the Southern States under his proclamation] "in relation to the freed people of such State, which shall recognize and declare their permanent freedom, provide for their education, and which may yet be consistent, as a *temporary arrangement*, with their present condition as a laboring, landless, and homeless class, will not be objected to by the national Executive," [meaning himself.] And in a speech which he made afterward, on the 11th of April, 1865, at Washington, being ths last speech ever made by him, he distinctly admitted that he referred by this clause to a temporary apprenticeship of freedmen after their emancipation.

The war ended in the summer of 1865. The slaves were emancipated suddenly, without previous preparation. The emancipation was sweeping, including all. Many thousands of the freedmen had abandoned their homes, and had congregated in the cities, and were living on the bounty of the Freedmen's Bureau.

The State had just been devastated by war. The people were without proper farming implements and stock, and without the means of buying them. Proper food and raiment were not to be had. A large number of men had just returned from the army, without the means of support and without employment. The government over the State was partly civil and partly military, and the bounds of neither were accurately defined and understood. The white people were overwhelmed by the magnitude of the calamity which had befallen them, and the blacks were almost stupefied by the novel circumstances which surrounded them Neither did nor could fully comprehend the results of the war.

Under these circumstances, the white race was called upon to solve the most difficult problem that had ever been presented to the human intellect. The time was unsuited for calm and deliberate action, yet the duty to act was emergent, not admitting of delay. Is it to be wondered that the first effort that was made, though intended only as a temporary arrangement, was a mistake? Is it strange that, in groping their way through this darkness, in undertaking to solve this great problem, they fell into the paths which had been trodden by the whites of the North and of England? And is it now still more strange that, having corrected their error in about a year after it was committed, by a repeal of the most obnoxious provisions, they are now charged with vindictiveness and enmity toward the freedmen, while those who, under circumstances far more favorable, acting calmly and in perfect peace, and in their own good time, passed more stringent regulations, and kept them in force for many years, are to be regarded as having acted justly and properly?

I have now done with this legislation. If your colored friends who are convinced of the corruption of the republicans still refuse to act with us, I can only say I am sorry for it, both for their sake and ours. I am glad to be able to say to you that there are many thousands of the colored people of this State who have signified their intention to vote with us. These are quite sufficient to carry the election. When the feast shall come, I shall be very sorry to see that any of the invited guests were kept away by their own blindness or willfulness. Nevertheless, having chosen to remain away, they can't complain. The people of this State have decreed the overthrow of the present corrupt government, and it matters but little who shall endeavor to support it, that decree will be made effectual in November.

Yours, truly,

J. Z. GEORGE.

J. J. HALBERT,
Chairman Democratic Conservative Club, Terry, Miss.

Q. Do these appendixes refer you to articles in the constitutions of other States and enactments by article and page?—A. They do.

The following is the appendix:

MASSACHUSETTS.

Negroes were not allowed to be enrolled in the militia, but they were required to attend the calls of the militia companies, and to do such work as might be required of them by the officers. (Revision of Mass. Laws of 1814, p 386.)

Negroes and mulattoes were prohibited from entertaining any negro or mulatto servants, under a penalty of five shillings for each offense; and if any were unable to pay the fine, he was to work in the house of correction, at hard labor, for two days for each shilling of the fine. (*Ib.*)

The statute recited in its preamble that great charge and inconvenience have occurred to divers towns by releasing and setting free negroes and mulatto slaves, and then enacted that no such persons shall be freed until bond and security be first given to indemnify the town against such negro or mulatto becoming a charge on the town. (*Ib.*, p. 745.)

In the same book, page 748, it is enacted that if a negro or mulatto shall strike any person of the English or other Christian nation, he shall be punished by a severe whipping, at the discretion of the justice.

And at the same place it is enacted that no one of the English, Scot, or other Christian nation shall intermarry with a negro or mulatto, and a penalty of fifty pounds ($250) is imposed on any minister who shall solemnize such a marriage

In the revision of the statutes of 1836, page 475, intermarriage between whites and blacks is again prohibited.

RHODE ISLAND.

In the Revision of the statutes of 1822, page 371, intermarriage between whites and blacks was prohibited, and such a marriage declared void. This provision was continued in the revision of 1857, page 312, and also in the revision of 1872, eight years after the war closed, page 325, and a person joining such persons in marriage was liable to a fine of $200. Whites only allowed to vote. (Rev. of 1822, p. 89.)

The granting of license for keeping taverns, ale-houses, victualing-houses, cook-shops, oyster-shops, and for retailing liquors, was prohibited to "any colored or black persons; nor shall any white person, duly licensed, suffer any black or colored person in his employ, or his agent, to sell any liquor whatever, under the penalty of forfeiting such license." (Rev. of 1822, p. 296.)

In the same book, on page 444, it is enacted "that if any free negro or mulatto shall keep a disorderly house or *entertain any person at unseasonable hours or in an extravagant manner*," the town-council may break up the housekeeping of such negro or mulatto, and bind him out to serve for two years.

Slavery was abolished in Rhode Island in 1784, but their children were continued under the control of their owners until they were twenty-one years of age.

By constitution of 1844, only citizens of the United States were allowed to vote. This excluded negroes, as they were not citizens then.

CONNECTICUT.

Slavery was abolished in 1784, by declaring free all born of slave mothers after that time, but these children were bound to serve their owners until the age of twenty-five years. Those born before were continued in slavery. (See Jackson *vs.* Bullock, 2 Conn. R., 38.)

In revision of 1821 (see constitution of Connecticut, art. 6) only whites were allowed to vote.

The amended constitution of 1845 contains the same provision, (see Rev. of 1849, p. 47,) and this provision remains in words in the constitution of Connecticut up to the present

time. A negro cannot now vote in Connecticut except by virtue of the Constitution of the United States; the State constitution prohibits it. (See Rev. of 1875, p. 52, L. 11.)

Negroes were prohibited from serving in the militia in Revision of 1839, p. 426, and in the Revision of 1849, p. 652, in the Revision of 1866, p. 557, and this prohibition was left out only in the Revision of the present year, (1875,) p. 111.

VERMONT.

Only whites allowed to serve in the militia. (Rev. of 1825, p. 611.) This provision continued in the Revision of 1840, p. 557, and Revision of 1850, p. 630, and left out in Revision of 1870, p. 645.

NEW HAMPSHIRE.

Whites only allowed in militia. (Rev. of 1853, p. 197.) I found no statute later in date to this.

MAINE.

Marriage between whites and negroes prohibited. (Rev. of 1841, p. 359; continued in Rev. of 1857, p. 390, and also in Rev. of 1871, p. 483.)

Citizens of United States only voters, (excluding blacks, as they were not citizens.) (Constitution of Maine of 1819, art. 2.)

PENNSYLVANIA.

Slavery was abolished in this State in 1780. (Dunlap's Revision, p. 126.)

The act, after an eloquent recital of the wrongs of slaves and the evils of slavery, and a reference to the happy condition of the whites in escaping the slavery to which they had been doomed by the British, and declaring the whites by long experience had been weaned from prejudices, and that their hearts were now filled with benevolence and kindness toward all men, and that in justice to the unhappy slaves they now proceeded to act, then merely set free those who shall be born within the State after the passage of the act, retaining all others in slavery; with a proviso, however, that all so born and set free should be servants, and bound to their owners till they were twenty-eight years of age.

Negroes and mulattoes were excluded from militia duty till 1872. (Purdon's Dig., p. 1269; Brightley's Purdon's Dig., p. 1040.) They were not allowed to serve on a jury. (Brightley's Purdon's Dig., p. 829.) Whites only were allowed to vote till 1870.

NEW JERSEY.

Act passed February, 1820, for the gradual abolition of slavery, made free every child born of a slave since July the 4th, 1804, but provided that such child should remain the servant of the owner of his or her mother, as if bound to service by the overseers of the poor, until the male children were twenty-eight, and the female twenty-one, years of age. (Revision of 1847, p. 360.)

On the 18th of April, 1846, (same Revision, p. 380,) an act was passed to abolish slavery finally, and every slave then in the State was made free; but every such freedman was made an apprentice to his then owner, who was only allowed to discharge him from service by procuring the certificates of the overseers of the poor and of two justices, that such apprentice proposed to be freed was of sound mind and capable of making a support; or, without such certificate, if the owner would give bond, with security, that the negro would not become a charge on the county.

The children of these apprentices were to be supported by their masters till they were six years old, and then, in all cases, they were to be bound as poor children by overseers of the poor, the owner having the preference. Persons enticing away such apprentices were declared guilty of a misdemeanor, and fined $100, and persons harboring such apprentices were made liable to pay one dollar for each day they so harbored them.

Only whites were allowed to be enrolled in the military, (*Ibid*, 745,) and only whites were entitled to vote. (See constitution of 1847, art. 2.)

This constitution, as far as I have been able to learn, has not been changed.

OHIO.

Act passed in 1804 prohibited after June 1st of that year any black or mulatto persons from settling or residing in the State without a certificate of freedom; any person employing such a person without certificate shall be fined from $10 to $50. (Revision of 1847, p. 592.) In 1807, an act was passed prohibiting any negro or mulatto from settling in the State unless he shall, within twenty days after his arrival, give bond, with two or more freehold sureties, in the penalty of $500, conditioned for the good behavior of such negro or mulatto,

and to pay for his support, in case he shall be unable to support himself; and if any negro or mulatto shall immigrate into the State without complying with the above, it was made the duty of the overseer of the poor to remove him as a pauper. (*Ib.*, p. 593.) And if any person shall employ, harbor, or conceal such negro or mulatto, who has not complied with the above, he shall forfeit $100, and be liable to support the same in case he becomes unable to do so. (*Ib.*)

In the same act, a negro or mulatto was made an incompetent witness in any case in which a white person was interested. (*Ib.*)

The constitution of Ohio in force when the war ended confined the right to vote to whites (Const. of Ohio, Art. V, § 1.)

In 1859 an act was passed directing judges of election to reject all voters who had a distinct and visible admixture of African blood. (Swan & Critchfield's Statutes of Ohio, p. 549.) Judges receiving such votes were made liable to a fine from $100 to $500, and to imprisonment from one to six months; and any person aiding or advising such voting was made liable to same imprisonment. (*Ib.*)

In 1861, (see Swan & Sayler's Revision of 1868, p. 267,) an act was passed prohibiting any person of pure white blood from intermarrying or having illicit carnal intercourse with any negro, or with any person having a distinct and visible admixture of African blood, under penalty of a fine of $100, and imprisonment for three months.

In 1868 an act was passed (S. & S., p. 336) containing severe provisions against negroes voting.

Negroes not allowed to serve as jurors, (Laws of Ohio of 1840, p. 27; Swan's Revision of 1859, p. 447; Revision of 1861, p. 751,) and the prohibition was in force in 1868.

INDIANA.

By statute (see Revision of 1831, p. 375) free negroes were prohibited from settling in the State, unless bond and security for $100 in each case was given that he should not become a charge on the county as a pauper; and it was provided that if the negro was convicted of any penal offense, (however trivial, as an affray or gaming,) the whole bond was forfeited.

A negro settling in the State, and failing to give the bond, was to be hired out by a public officer for six months, unless he removed from the State; and any person hiring or harboring such a negro was liable to be fined $1,000.

A negro or mulatto having one-fourth negro blood could not be a witness for or against a white person. (*Ibid.*, p. 404.)

By the first constitution, adopted in 1816, only whites were allowed to vote, (art. 6, § 1,) and only whites could be in the militia.

(Art. 7, § 11.) Marriages between whites and blacks were prohibited, and if such persons should go out of the State to marry, the marriage was void in Indiana. Whites and blacks or mulattoes intermarrying were liable to imprisonment in the penitentiary from one to ten years, and all persons aiding in or advising such marriage were punishable in the same way, and any person concealing or harboring whites and negroes who had intermarried, with intent to prevent their detection and punishment, were punishable in the penitentiary from one to five years. (*Ibid.*, pp. 595 and 970.)

No want of religious belief in whites was a ground to exclude them as witnesses; but blacks and mulattoes were excluded in cases for or against whites. (Revision of 1843, p. 719.) This provision was in force at least as late as 1862. (G. and H., Stat., vol. 2, p. 166.)

The constitution of Indiana made in 1851, and still remaining as then written at least as late as 1870, prohibits negroes and mulattoes from voting, (Art. V., § 5,) and Art. XIII of that constitution prohibits negroes and mulattoes from moving to and settling in the State, and that constitution makes void all contracts made with negroes and mulattoes so coming into the State, and punishes all persons employing them or encouraging them to settle in the State, from $50 to $500.

In the revision of 1852, p. 361, the same provision heretofore set out as to intermarriages between whites and blacks was continued. By statute, negroes coming into the State to settle in violation of the constitution were liable to be fined from $10 to $500. (Rev. 1852, p. 376.)

And by that constitution negroes and mulattoes were excluded from the militia, (Art. XII, § 1,) and this provision is still in force. (Davis's Supp. of 1870, p. 341.)

In 1860, negroes and mulattoes were not liable to school taxes, nor entitled to the benefit of school-funds in Indiana. (G. and H., Rev., vol. 1, p. 542.)

This provision was re-enacted on 6th of March, 1865. (Davis's Supp., p 440.)

Very stringent laws were passed to carry out that provision of the constitution which prohibited negroes from settling in the State, and these were not repealed till 22d of February, 1867, but the constitution itself remained unchanged in 1870, and is probably so at this time.

ILLINOIS.

At an early day Illinois prohibited negroes and mulattoes from settling in the State, unless they had certificates of freedom, and unless each settler should give bond also in the

penalty of $1,000. with good security, that he would not become a charge upon the county as a pauper, and that he would at all times demean himself according to law; and any person hiring or giving sustenance to a negro or mulatto settling in the State in violation of this law was liable to a fine of $500. (Rev. Statutes of Illinois of 1829. p. 109.)

Marriages between whites and blacks or mulattoes were prohibited and persons violating the statute on the subject were to be whipped with thirty-nine lashes and imprisoned one year, and persons solemnizing such marriages, or granting license therefor, were to be fined $200, and to be thereafter ineligible to hold office in that State. (*Ib.*) This was continued in the revision of 1845, p. 353.

In the Revised Statutes of 1833, p. 357, the same provision as to settling in the State of free negroes and mulattoes will be found.

In the constitution of Illinois by which the State was admitted into the Union slavery was abolished, but the apprenticing and binding out of negro servants was authorized. Under this constitution there were many stringent and severe provisions enacted to secure the rights of the master to the apprentice and to his labor, and to enforce subordination of negroes and mulattoes. These will be found in the revision of 1833, commencing on page 457. Among them is a prohibition against any negro or mulatto being brought into the State to be set free without bond and security in $1,000, given to indemnify the counties against the negro becoming a pauper. Free negroes were also required to have certificates of freedom, and a person hiring one without a certificate was to pay $1.50 for each day he so hired him.

Any negro servant, (apprentice,) "being lazy, disorderly, or guilty of misbehavior to his master or his family, was punishable with stripes, and if he refused to work he was to be compelled thereto in like manner, and, moreover, was compelled to serve, after his term had expired, two days for every one he had refused to work. And if he ran away, he was also compelled to pay, after his term was out, all expense of catching and bringing him home. He was allowed to acquire "goods and money" only, not real estate, nor was he allowed to trade in any commodity without the consent of his master.

These bound or apprenticed servants were also punishable in all cases by whipping when free persons were punishable by fine. (This provision was continued in revision of 1845.) And a person permitting slaves or servants of color, to the number of three or more, to assemble at his or her house, for the purpose of dancing or reveling, was fined $20 and costs, and the slaves or servants put in jail and whipped. This was continued in the revision of 1845.

Apprentices were also required to be taught to read, write, and to know arithmetic; but a colored apprentice was only to be taught to read, (see *ib.*, p. 90.) This provision continued in revision of 1858, p. 817.

Negroes were not allowed to be witnesses for or against whites.

In revision of 1845, pp. 154 and 237, keepers of public houses were prohibited from entertaining these servants, negroes, and mulattoes, and the provision against their being witnesses where whites were interested was continued, with the enactment that a mulatto having one-fourth negro blood should be excluded, and Indians were only excluded if they had half Indian blood.

And in same revision, p. 387. no negro or mulatto was permitted to reside in the State without a certificate of his freedom, and without giving bond and surety, in the penalty of $1,000, against his becoming a charge on the county, and further "that he or she would at all times demean himself or herself in strict conformity with the laws of this State, that now are or hereafter may be enacted;" and for any violation of the laws (however trivial) the whole penalty of $1,000 was recoverable. And any person harboring a negro or mulatto, or hiring, or giving him sustenance, not having such certificate or giving such bond, except he was a resident when the law was passed, was to be fined $500.

All negroes and mulattoes were compelled to register their certificates of freedom and all the names of their families, &c., and all not having such certificates were deemed runaway slaves, and were to be caught and advertised and hired out.

Every person bringing a negro into the State for the purpose of freeing him was finable $100. Living in state of adultery by white with black, and *vice versa*, punished with $500 fine and imprisonment in penitentiary for a year, and for each succeeding offense the parties were to be punished doubly, trebly, &c. By the new constitution of 1847, only whites were allowed to vote, (Art. IV, § 1,) or to serve in the militia, (Art. VIII.) Apportionments for members of the legislature were to be according to white population, (Art. III, § 8.)

By Art. XIV, the legislature was required at *its first session* to pass such laws as would *efficiently* prevent free persons of color from immigrating to and settling in the State, and to prevent effectually the owners of slaves from bringing them into the State for the purpose of setting them free.

In February, 1858, (Revised Statutes of 1857, p. 824,) the legislature carried out this provision by the most stringent legislation, and among them was a prohibition against any person bringing into the State any colored person, slave or free, under the penalty of a fine of $500 and imprisonment for one year. And it was also provided that if any negro or mulatto, bond or free, shall come into the State and remain ten days, with the evident intent of residing there, he shall be deemed guilty of a high misdemeanor and fined $50, and he shall be sold to pay fine and costs, (if unable to pay them,) and his purchaser shall have

the right to compel him to work, and if, when his term of service under the sale is out, he don't leave the State in ten days. he shall be fined $100 and be sold again; and this process of fine, it being increased at every succeeding offense $50, was to go on till the negro or mulatto died or left the State. In the same book, p. 460, persons of color were to have no other interest in the common-school taxes, except such amount as they paid themselves. The provision hereinbefore set out against intermarrying between whites and persons of color, (p. 519,) against their being witnesses, (pp. 257 and 377,) were continued in the revision of 1858, and were not repealed till 1865. The same provisions also as to adultery between whites and blacks were continued in the revision of 1858, p. 418, with a special proviso, to prevent all misunderstanding, that the law was not to apply where whites alone were the guilty parties.

The constitutional provisions before set out remained unchanged and unaltered till August, 1870.

IOWA.

Constitution of 1846, article 6, allows only whites in the militia; and by article 2, section 1, only whites were allowed to vote.

Indians, negroes, and mulattoes not allowed to give evidence in a case where whites are interested. (Code of 1851, section 322, not repealed till 1860.)

By the new constitution of 1857, idiots, insane persons, and those convicted of infamous crimes, and colored persons not allowed to vote. (Article 2, sections 1 and 5.) Only whites allowed in the militia.

MICHIGAN.

Constitution of 1835—only whites allowed to vote.

By the constitution of 1850, article 7, whites, unnaturalized foreigners who have declared their intentions to become citizens, and civilized Indians were allowed to vote, but not negroes or mulattoes. By article 17, whites only were allowed to serve in the militia. By the revision of 1850, page 950, intermarriages between whites and blacks were prohibited. This provision was re-enacted in the last code there in 1871, page 1463. Negroes were allowed to vote and serve in the militia in 1870, and not before.

WISCONSIN.

Under the constitution, article 11, these persons only were allowed to vote:

1st. White citizens of the United States. 2d. White persons of foreign birth, who had merely declared their intentions to become citizens. 3d. Indians who had been declared by act of Congress citizens; and also any civilized person of Indian descent.

Whites only were allowed in the militia, (Rev. Statutes of 1858, p. 340;) and only whites were allowed to serve on juries. (*Ib.*, p. 65.)

MINNESOTA.

Constitution of 1857 made white citizens and white foreigners voters, as in the constitution of Wisconsin; persons of mixed Indian blood, who have adopted the customs and habits of civilization; and also persons of whole Indian blood, who adopted the language, habits, and customs of civilization, and after being examined by a court and found competent, were also made voters; but negroes and mulattoes were excluded.

In the revision of 1858, only whites could be grand jurors, (p. 749,) and only whites could serve in the militia, (p. 798.)

OREGON.

Constitution of 1857, whites only were voters, (article 2;) and the constitution, while it prohibited slavery, also prohibited free negroes and mulattoes from coming into the State, or holding real estate there, or making any contracts within the State, or maintaining any suit within its courts; and the legislature was required to pass laws to carry out this provision. This constitution was unchanged in 1872, and probably is so at this time. By the Revised Statutes of 1872, page 291, only whites are allowed to serve on juries.

NEBRASKA.

By the Revised Statutes of 1866, negroes were not allowed to vote; but unnaturalized whites, foreigners who had merely declared their intentions to become citizens, were allowed to vote, (145.) * * * Marriages were made void when one party is white and the other had one-fourth ($\frac{1}{4}$) or more of negro blood. (Page 254.)

The statute on the subject of common schools declared that for the purpose of affording a free education "to all white youths" a school-tax should be levied on whites only. (*Ib.*, p. 372.)

This provision was not changed till 1869.

The statute on witnesses provided that every human being of sufficient capacity to understand the obligation of an oath is a competent witness * * * except the following:

First, persons of unsound mind, &c.

Second, Indians and negroes, who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them intelligently or truly. (*Ib.*, p. 449.)

Only whites were allowed to serve on juries. (*Ib.*, p. 509.)

The constitution of the State was adopted in 1867. It excluded negroes and mulattoes from voting, but allowed unnaturalized foreigners to vote as soon as they had declared their intention to become citizens. (Article 2, section 2.)

The prohibition of intermarriage between whites and blacks was re-enacted in the code of 1873, page 462, and also exclusion of negroes from juries. (*Ib*, p. 642.)

NEVADA.

Constitution framed in 1864; allows whites only to vote. (Article 2.)

In the revision of 1873, (page 359,) whites allowed only in the militia.

KANSAS.

Negroes excluded from jury by statute of 1855. (Page 445.)

Marriages between whites and blacks void. (*Ib.*, p. 488.)

Negroes excluded from common schools, (*Ib.*, p. 700,) and this exclusion remained till 1868.

Witnesses declared not incompetent from any want of religious belief, but no negro or mulatto, bond or free, was allowed to testify in a case, civil or criminal, wherein a white person was interested. This is omitted in the revision of 1868. (Stat. 1855, p. 765.)

By the constitution of Kansas, adopted 1859, negroes were not allowed to vote, but naturalized foreigners were. (Article V.)

They were excluded from the militia. (Article VIII.)

Only electors, and they were white only, were allowed to sit on juries. (Revision of 1868, p. 534, and pp. 40 and 65.)

NEW YORK.

There were no statutes of the State in the State library during the time that slavery was abolished there, nor shortly afterward; hence I was unable to make any abstract of its laws on this subject.

POSTSCRIPT.

Since the foregoing was in type I have procured a copy of the debates between Mr. Lincoln and Mr. Douglas in 1858, and I find the following remarkable passage, which goes to show what were Mr. Lincoln's opinions then as to citizenship of the colored race, and that if the whites of this State erred in 1865 in refusing to allow to the colored people political and social rights, they had Mr. Lincoln's authority to sustain them:

"Now, gentlemen, I don't want to read at any greater length, but this is the true complexion of all I have ever said in regard to the institutions of slavery and the black race. This is the whole of it, and anything that argues me into his idea of perfect social and political equality with the negro, is but a specious and fantastic arrangement of words, by which a man can prove a horse-chestnut to be a chestnut-horse. I will say here, while upon this subject, that I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so. I have no purpose to introduce political and social equality between the white and black races. There is a physical difference between the two which, in my judgment, will probably forever forbid their living together upon the footing of perfect equality, and inasmuch as it becomes a necessity that there must be a difference, I, as well as Judge Douglas, am in favor of the race to which I belong having the superior position.

"Judge Douglas has said to you that he has not been able to get from me an answer to the question whether I am in favor of negro citizenship. So far as I know, the judge never asked me such a question before. He shall have no occasion to ever ask it again, for I tell him very frankly that I am not in favor of negro citizenship. This furnishes me an occasion for saying a few words upon the subject. I mentioned in a certain speech of mine which has been printed, that the Supreme Court had decided that a negro could not possibly be made a citizen, and without saying what was my ground of complaint in regard to that, or whether I had any ground of complaint, Judge Douglas has from that thing manufactured nearly everything that he ever says about my disposition to produce an equality between the negroes and white people. If any one will read my speech he will find that I men ion that as one of the points decided in the course of the Supreme Court opinions, but I did not

state what objection I had to it. But Judge Douglas tells the people what my objection was, when I did not tell them myself. Now, my opinion is that the different States have the power to make a negro a citizen under the Constitution of the United States if they choose. The Dred Scott decision decides that they have not that power. If the State of Illinois had that power I should be opposed to the exercise of it. That is all I have to say about it." * * * * * *

"Before proceeding, let me say, I think I have no prejudice against the southern people. They are just what we would be in their situation. If slavery did not exist among them they would not introduce it; if it did now exist among us, we should not instantly give it up. This I believe of the masses North and South. Doubtless there are individuals on both sides who would not hold slaves under any circumstances, and others who would gladly introduce slavery anew if it were out of existence. We know that some southern men do free their slaves, go North, and become tip-top abolitionists, while some northern men go South, and become most cruel slave-masters.

"When southern people tell us they are no more responsible for the origin of slavery than we, I acknowledge the fact. When it is said that the institution exists, and that it is very difficult to get rid of it in any satisfactory way, I can understand and appreciate the saying. I surely will not blame them for not doing what I should not know how to do myself. *If all earthly power were given me*, I should not know what to do as to the existing institution. My first impulse would be to free all the slaves, and send them to Liberia, to their own native land. But a moment's reflection would convince me that whatever of high hope (as I think there is) there may be in this in the long run, its sudden execution is impossible. If they were all landed there in a day, they would all perish in the next ten days; and there are not surplus shipping and surplus money enough in the world to carry them there in many times ten days. What then? Free them all and keep them among us as underlings? Is it quite certain that this betters their condition? I think I would not hold one in slavery at any rate. Yet the point is not clear enough to me to denounce people upon. What next? Free them, and make them politically and socially our equals? My own feelings will not admit of this; and if mine would, we well know that those of the great mass of white people will not. Whether this feeling accords with justice and sound judgment, is not the sole question, if, indeed, it is any part of it. A universal feeling, whether well or ill-founded, cannot be safely disregarded. We cannot, then, make them equals. It does seem to me that systems of gradual emancipation might be adopted; but for their tardiness in this, I will not undertake to judge our brethren of the South.

"While I was at the hotel to-day an elderly gentleman called upon me to know whether I was really in favor of producing a perfect equality between the negroes and white people. While I had not proposed to myself on this occasion to say much on that subject, yet as the question was asked me, I thought I would occupy perhaps five minutes in saying something in regard to it. I will say, then, that I am not, nor ever have been, in favor of bringing about in any way the social and political equality of the white and black races—that I am not, nor ever have been, in favor of making voters or jurors of negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this, that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality. And inasmuch as they cannot so live, while they do remain together there must be the position of superior and inferior, and I, as much as any other man, am in favor of having the superior position assigned to the white race."

By Mr. PEASE:

Q. Do you swear to the credibility of these extracts?—A. I do not swear to the correctness of any paper which I submit.

By Mr. MONEY:

Q. Of any character?—A. Of any character.

Q. Do you believe that information to be true?—A. I have never heard the integrity of General George impeached by any person.

Q. Do you believe the Declaration of Independence was written by Thomas Jefferson?—A. I do.

Q. For the same reason you believe that [document] to be true?—A. I believe that General George published that, and caused that circular to be submitted.

Q. Well, now, by law who are the custodians of the books of registration after the registration is completed?—A. The board of registration until after the election. After that time they are deposited in the office of the chancery clerk—that is my understanding of the law—after the election.

Q. Who had charge, then, of those books of the registration?—A. I don't know, except what appears in the affidavit of Mr. Doss.

Q. It appears in that affidavit that they were in the keeping of Mr. Kennon?—A. Yes, sir.

Q. Is this Mr. Kennon the gentleman who is now in the room as a witness before this committee?—A. The same gentleman.

Q. He was a registrar?—A. As shown by the record.

Q Was he registrar in the year 1875, appointed by the republicans?—A. He was president of the board.

Q. He is a republican?—A. So regarded.

Q. You were asked in your examination by Senator Pease if General George did not give some advice about this certification, and you were going to explain what he did say. Now, what did he say?—A. He said, in substance, that the prospect for the success of the national ticket was extremely encouraging. He did not believe that the vote of Mississippi was essential to the determining of the result, but that he felt satisfied Noxubee County was necessary to determine the result in Mississippi; and he suggested to the committee that every possible precaution should be taken to prevent any fraud, or violence, or anything which would in any manner affect the election.

Q. Is not General George the chairman of the democratic State executive committee?—A. He is.

Q. And he has been charged with the management of politics in this State by the democrats?—A. Yes, sir; he has been regarded as the leader of the party—the official head of the party in that State.

Q. Has his advice been generally sought in this State?—A. In Noxubee County we frequently consulted with him.

Q. You sought his advice on political matters?—A. Yes, sir.

Q. You were asked something about the order of voting at these boxes where the books came in late, and you were prevented from giving it. Now state what the order was.—A. I state upon information.

Q. Yes, sir.—A. That an agreement was made at the different precincts where the poll-books were returned, that two men should be admitted, two voters at a time, one republican and one democratic—men presumed to be democrats and republicans.

Q. Who appointed the deputy sheriffs at the polls of these precincts?—A. The sheriff, I believe.

Q. The sheriff is a republican?—A. He is.

Q. Was there no election in 1875 in the precinct of Prairie Point?—A. There was.

Q. Was there at all of these different precincts?—A. At Prairie Point and Center Point no election was held in 1875.

Q. At Prairie Point and Center Point there was no election held in 1875?—A. None at all.

Q. What was the cause of it?—A. I don't of my own personal knowledge know what the cause was.

Q. The republicans then had charge of the registration and of the election?—A. The majority of the board of registration were republicans, and the majority of the inspectors and clerks of this precinct were republicans. It has been charged, but I do not vouch for its truthfulness, that the president of the board, and a republican, was a warm partisan of Captain Little, one of the republican candidates for Congress.

Q. That who was?—A. Mr. Kennon was.

Q. The witness here?—A. The gentleman present; and that Prairie Point and Center Point it was presumed would give a large majority for

Governor Powers, the other republican candidate; and it was believed by a number of persons that W. H. Kennon allowed the election to go by default in these two precincts, for the reason that they were presumed to be for Governor Powers.

By Mr. PEASE:

Q. What two precincts were those?—A. Prairie Point and Center Point.

Q. Now, Mr. Patty, you spoke about the election in 1875 at Prairie Point and Center Point, that no elections were held there, as I understand?—A. None.

Q. Now, was it not a matter of fact that at Prairie Point a justice was driven out of that precinct at the time for holding the election?—A. There was a magistrate residing in that precinct.

Q. I ask you whether a magistrate had not been driven out.—A. I know of no such occurrence.

Q. Was it not a matter of history?—A. Not of my own knowledge or information.

Q. Did you never hear of that in 1875?—A. If you will mention the name, perhaps it will refresh my memory.

Q. A magistrate by the name of Green?—A. I think Green was in that county.

Q. In the precinct?—A. In the precinct.

Q. Don't you know that there was a difficulty down there, and that he was driven out from the precinct on the day of election?—A. I don't.

Q. Did you not hear of it?—A. Not that I remember.

Q. Was it not a matter of fact that the election-officers were unable to qualify on that occasion, being unable to find a proper magistrate to administer the oath?—A. My understanding of the law is——

Q. I am not asking about the law; I am simply asking a question whether you do not know that that was the reason for no election being held at those two points, that no proper magistrate could be found to administer the oath?—A. I did not know that that was the reason.

Q. Did you not hear that it was?—A. I don't remember; I heard a great many statements.

Q. Just mention some of the statements.—A. I have mentioned one.

Q. Mention another.—A. Another was that the clerks and the magistrate appointed were ignorant men, and wholly incompetent to hold the election.

Q. You say that you heard that Mr. Kennon arranged so as to prevent the election in the interest of his favorite candidate, and that it was believed, you said, by a number of persons that that was the case. Now, will you state who told you so?—A. I am unable to mention any name that I can think of now except Captain Dillard. We alluded to the matter since I have been here.

Q. You stated it was believed by several persons?—A. When I said "believed" I meant that different men have assigned that as the cause.

Q. You have mentioned one; can you mention another?—A. I am not able to mention another now.

Q. When did Captain Dillard tell you this?—A. He did not tell me this; it was in reading Mr. Kennon's testimony before the Boutwell committee on this subject.

Q. Mr. Dillard is a democrat, is he not?—A. He is.

Q. Now, then, you state that it was arranged that the voting in the election of 1876 in that county—that the manner in which it should be held was that voting be in pairs; one democrat and one republican; in

the late boxes; that was your statement?—A. I said that was my opinion.

Q. Who informed you?—A. I think Captain Reed, a republican, and United States supervisor for Cliftonville. He informed me that that was the arrangement agreed upon at Cliftonville.

Q. Now, was it a matter of fact, Mr. Patty, that that arrangement was made by the democrats?—A. I believe it was.

Q. The arrangement was made to vote that way?—A. That was understood by the democrats. I mean that the agreement entered into by them was satisfactory to both parties.

Q. You have heard that it was satisfactory to both parties?—A. Yes.

Q. Do you know this of your own knowledge?—A. Not personal knowledge.

Q. Do you know that they voted that way?—A. I don't know except from information.

Q. You don't know that any arrangement was made with any republicans?—A. I don't.

Q. But you know it was common rumor that they voted in the manner you stated, by twos?—A. I did.

Q. Now, in this one precinct, what was the relative registry as between the democrats and the republicans?—A. I don't know.

Q. Don't you know that the republicans were largely in excess of numbers to the democrats?—A. I don't know.

By Mr. MONEY:

Q. He said black and white. He did not say republicans.

Mr. PEASE. Stenographer, repeat his answer.

STENOGRAPHER, (reading:)

Q. You were asked something about the order of voting at these boxes where the books came in late, and you were prevented from giving it. Now state what the order was.—A. I state upon information.

Q. Yes, sir.—A. That an agreement was made at the different precincts where the poll-books were returned, that two men should be admitted, two voters at a time—one republican and one democratic—men presumed to be democrats and republicans.

The WITNESS. I use the word in the sense that it takes two to make a contract.

By Mr. PEASE:

Q. To the best of your belief that arrangement was carried out?—A. Yes, sir.

Q. At these various precincts what was the registered vote, so far as the whites and blacks were concerned?—A. I have stated the registration.

Q. The blacks were largely in excess of the whites?—A. Largely.

Q. With that arrangement the white voters would have voted first. Every white voter would have been enabled to vote, and the large number of blacks, in excess, by this arrangement, in the event of there not being time enough, would have been left out?—A. I don't know. The white democrats or republicans voted first. Do you mean white democrats or colored democrats?

Q. In any event the republicans were in excess. I will ask you whether it would not have that effect of keeping out a large number of the colored voters from voting, if there was not time to poll the full vote?—A. It would as a natural consequence keep out the colored voters if the time in which they were allowed was inadequate.

Q. Now, about this circular you presented here from General George. You stated that General George was the chairman of the democatic central committee?—A. I did.

Q. Now then, Mr. Patty, don't you know that these extracts of laws published in that circular were laws enacted before the organization of the republican party in this country?—A. I do not know.

Q. Have you examined this thing? [Pamphlet.]—A. I have read it casually.

Q. Do you remember the time of the organization of the republican party?—A. I do not.

Q. This document you presented here was a campaign document during the last canvass, was it not?—A. I am not positive that it was used in 1875 or 1876.

Mr. MONEY. 1875.

The WITNESS. 1875.

Q (By Mr. PEASE.) It was circulated as a campaign document in 1875 by the democratic central committee?—A. Yes, sir.

Q. Do you not know, Mr. Patty, that this is a compilation of laws which were enacted in the early history of this country and which have become entirely obsolete?—A. I think so. It appears that they were laws enacted and afterward repealed.

Q. They were repealed and obsolete at the time of the enactment of the laws in 1865?—A. Not all.

Q. How many of them?—A. I am unable to state. The record shows the thing itself.

Q. The majority of them were?—A. I don't know.

By Mr. MONEY:

Q. Now about these laws; did you or did you not state that these laws were passed by republicans in your testimony?—A. I made no statement as to the political complexion of the legislature enacting these laws.

Q. You told him, then, in reference to your statement of the legislation of 1865, that it was modeled after the legislation of Northern States?—A. I did.

Q. Without reference to the fact that these States were then republican or not?—A. I did.

Q. Some mention was made about a justice named Green. Was it not a fact that Green was run out of the county after the election for stealing cotton?—A. That is my recollection.

Q. That was after the election?—A. That is my belief.

Q. At one of these precincts, at this Prairie Point or Centre Point, where it was complained that there was no magistrate to swear in these men, and there was a failure in Mr. Kennon's administration as to holding the election there; was it not a fact that Solomon White was there, a member of the board of supervisors, and authorized to administer oaths?—A. I only knew from information.

Q. Is that your information?—A. That is my information.

D. C. KEARNS sworn and examined.

(Hon. Pease representing Senator Teller, and Hon. H. D. Money representing Senator Kernan.)

By Mr. PEASE:

Q. Where do you live?—A. I live in Jefferson County, Miss.

Q. How long have you resided there?—A. I have been there since 1867.

Q. Are you an officer of the county?—A. I am chancery clerk in that county.

Q. How long have you held this office?—A. Since 1869; I was probate clerk first, and then chancery clerk after the election.

Q. What has been the relative vote of Jefferson County from 1869 to 1876?—A. It has been largely republican—over——

Q. What was the majority of 1869, do you remember?—A. I think from 1,200 to 1,300.

Q. What was the majority in 1875?—A. What election is that?

Q. 1875.—A. What election?

Q. For the State treasurer.—A. I do not recollect, sir; but I think over a thousand.

Q. Can you state the number of colored men at the last registration?—A. I don't recollect, but I think in the neighborhood of two thousand.

Q. Have the colored men of that county generally voted the republican ticket prior to the last election, the election of 1876?—A. Yes, sir.

Q. Do you know of any colored men who voted the democratic ticket prior to the last election?—A. I don't know more than one or two.

Q. You are pretty well acquainted with the voters of that county, are you not?—A. Very well.

Q. If there had been more you would have known it?—A. I would have known it at the time.

Q. What was the vote of Jefferson County in 1876—the presidential election?—A. You mean the majority?

Q. Yes.—A. I think about 700 or 800 democratic.

Q. Can you state any cause for the change of the vote in that county?—A. At that election?

Q. At that election.—A. At the presidential election there was no republican tickets in the county. That is one reason.

Q. Any other reason?—A. I believe if there had been tickets at the polls there, there would have been a large republican vote.

Q. Do you know any reason why tickets were not to be had?—A. There were two parties, I understood, who had charge of the tickets; Merrimon Howard and H. B. McClure.

WASHINGTON, *February* 9, 1877.

D. C. KEARNS recalled and examined.

By Mr. TELLER:

Q. What was the cause of the falling off of the republican vote in Jefferson County in 1876?

Mr. KERNAN. I object to the witness giving his opinion upon that subject unless he can also state facts.

Mr. TELLER. I understand that he can give the facts. Go on and state what the facts are about it, if you know. If you do not know, you need not testify. If you only know from hearsay, it is hardly worth while to go into the matter.

The WITNESS. You speak of the presidential election?

Mr. TELLER. The election of 1876.

A. One of the causes in my county was that there were no tickets to vote—republican tickets.

Q. (By Mr. TELLER.) Why were there no tickets? Go on and explain the whole matter.—A. The tickets, as I understand, were in the hands of

Merrimon Howard and H. B. McClure, a few days before the election. After the killing of Dardan, McClure and Howard were advised to leave the county.

Q. What occurred after that?—A. They had possession of the tickets. What they did with them I do not know.

Q. Were they republicans?—A. Yes, sir.

Q. By whom were they ordered to leave the county, if you know?—A. I can't state as to the fact that they were driven out of the county. They were advised by friends of theirs—that they considered friends; McClure's own brother, a democrat—that it was not safe for them to remain there.

Q. State why it was not safe.—A. The democrats charged Howard and McClure with having brought the troops there, and that the coming of the troops had excited the colored people to the killing of Dardan.

Q. State what you know about the killing of Dardan.—A. I don't know a great deal about it.

Q. Then you need say nothing about it. Was there any other reason why the republican vote fell off except that you have mentioned?—A. Yes, sir; I think the conduct of the democrats during the campaign was the chief reason.

Q. What do you mean by "their conduct?"—A. I mean that they allowed no organization of the republican party.

Q. How did they prevent it?—A. They prevented it by telling the leaders—I speak of one meeting only; we attempted to hold a mass-meeting there at the first of the campaign.

Q. At what place?—A. To raise a Hayes and Wheeler pole—at Fayette, county-seat of Jefferson County. It was expected that the republicans would have about 2,000 colored men there. The meeting was to be on Saturday. On Thursday, hearing that it was anticipated that there would be trouble, we went to the chairman of the democratic executive committee of the county, Mr. Torry, and we made a proposition to him that if they would select ten democrats and we would select ten republicans, and that those twenty men would take their seats on the platform, that we would divide the time with them, with the understanding that those ten men on each side would be the only parties that would interrupt the speakers, and that they should be responsible for the good conduct of their side. Mr. Torry said that he was willing, more than willing, for the arrangement. As soon as it became known on the street, a meeting of the democratic club at Fayette was called. They would not hear to the proposition at all. They appointed a committee of four men, who waited upon McClure and myself, and told us that if we attempted to have that meeting there would be bloodshed, and the leaders would be the first to suffer. They said that they had instructed every club in the county, democratic club, to come to Fayette armed, and gave as their reason that we had instructed the colored people to come with arms. When McClure and myself denied this, they said that they would take that back as far as we were concerned, but Merriman Howard had done so.

Q. When was this?—A. This was on Thursday evening, in the night. On Friday, in the afternoon, I received a message from Port Gibson, stating that two hundred armed democrats were on their way to Fayette to prevent the meeting.

By Mr. KERNAN:

Q. A message from where?—A. Port Gibson—with a cannon, and all well armed.

By Mr. TELLER:

Q. All democrats?—A. All democrats. I then went out on the street, and got as many republicans together as I could find, together with Howard and McClure, and we held a caucus as to what we should do. It was decided in this caucus to stop the meeting.

Mr. TELLER. I do not think it worth while to go into that. What we want is to get at a few leading facts. It is sufficiently shown here that they did not have a meeting. Now state how the campaign was managed in 1876 by the democrats in your county. Make it as short and pointed as you can.

A. They had a very thorough organization. They had a democratic club in every precinct. These men were all well armed and uniformed. At the first of the campaign, whenever they heard of a republican meeting going to be held, they assembled in force, and would ride to the place of the meeting. I felt from the start that they were not going to allow us——

Mr. KERNAN. No matter what you felt; tell us what you saw.

The WITNESS. That is what I know.

Mr. KERNAN. Tell us what you know, and do not testify as to what you "felt." Swear only as to what you know of your own knowledge.

The WITESS. We never attempted in the county to hold but two republican meetings. One of those was a mass-meeting to ratify the nomination of Hayes and Wheeler. On the morning that this meeting was to be held, about six hundred or seven hundred armed democrats marched into town, uniformed.

Q. (By Mr. TELLER.) At what place was that?—A. Fayette. The republicans had the night before sent couriers over the county, because of these reports that we had heard—that the democrats were coming armed—and stopped the meeting. When the democrats came to town that morning, about 9 o'clock, they rode backward and forward through the town, making a great deal of noise and more dust, and inquiring where the republican meeting was to be. I informed them that the meeting had been stopped.

Q. Why did you stop it?—A. We stopped the meeting because the democratic committees and the democratic club of Fayette had notified Mr. McClure and myself that they had ordered all the clubs of Jefferson County—democratic clubs—to come there armed.

Q. You need not go any further. That is something you have already stated, is it not?—A. Yes, sir.

Q. Was not the general conduct of the democrats during the campaign such as to intimidate the colored people?—A. I think it was.

Q. Did not the colored people vote as generally as they had at the previous elections?—A. I don't know that I understand your question.

Q. Did as many colored people vote as had voted at other elections?—A. No, sir; not as many.

By Mr. KERNAN:

Q. What is the name of this place where you live?—A. Fayette.

Q. You have lived there since 1867?—A. Yes, sir.

Q. Where did you live before that?—A. I was at Vicksburgh before.

Q. Doing what?—A. I was in the mercantile business.

Q. A merchant?—A. Yes, sir.

Q. When did you go to Vicksburgh?—A. I went to Vicksburgh with Sherman's army in 1862.

Q. In what capacity did you go there?—A. I was a soldier in the Army.

Q. Were you anything else than a soldier? What other position did you hold besides being a soldier in the Army?—A. None.

Q. How long did you serve as a soldier?—A. I was in the service from the breaking out of the war until 1863.

Q. In what regiment?—A. First in the Twelfth Ohio, afterward the Thirty-ninth Ohio.

Q. Where were you when you ceased to be a soldier?—A. At Milliken's Bend.

Q. From that time on, from 1863 or 1864, where were you?—A. I was in Vicksburgh. I married in Vicksburgh in 1864.

Q. You staid there until 1867?—A. Staid there until 1866, when I went north on account of my health, and went back in 1867.

Q. What State are you from; Ohio?—A. Yes, sir.

Q. And since 1867 you have held these offices which you have mentioned, have you?—A. Yes, sir.

Q. The offices of chancery clerk and probate clerk?—A. Yes, sir.

Q. And you hold those offices now?—A. Yes, sir.

Q. You would not be able to say how many colored men voted the democratic or how many the republican ticket in 1876, would you?—A. No, sir; I could not say.

Q. You could not swear that a pretty large number did not vote the democratic ticket in 1876, could you?—A. I believe a good number did in 1876.

Q. A good number of colored men?—A. Of colored men; yes, sir.

Q. How was it in 1875?—A. In 1875 there were very few.

Q. And in 1876 there were a good many?—A. In 1876 there were a good many; yes, sir.

Q. And a good many joined the democratic clubs and trooped with them?—A. Yes, sir; I presume about 200 or more; not over 250.

Q. In the club where?—A. In Jefferson County; through the county.

Q. Did you go through the county?—A. No, sir; I only went to two places in the county.

Q. So that you could not speak from your own knowledge very certainly about them?—A. I speak from having seen some of the lists of the clubs.

Q. You did not see all of them, I suppose?—A. No. sir.

Q. You saw a couple of them?—A. A couple of them; I saw three or four.

Q. And in the clubs you saw you knew of three or four hundred?—A. No, sir; I say there were that many through the county.

Q. Have you any personal knowledge by which you could tell with any certainty how many colored men joined the clubs in 1876?—A. I could tell just the number I know of myself.

Q. That is the better way. Tell how many clubs and how many colored men were in them which you knew of.—A. At the Rodney democratic club there were about sixty members.

Q. Sixty colored men?—A. Yes, sir.

Q. Give the next one that you know of.—A. The club at Greenville; there were about eight or ten.

Q. Colored men?—A. Yes, sir.

Q. What other club do you know about?—A. There was an independent republican club which voted the democratic ticket in Fayette.

Q. Colored men?—A. Colored and white; I belonged to the club.

Q. About how many of them?—A. We had in that club about forty.

Q. How many white men?—A. There was about fifteen colored men and about twenty-five white men.

Q. And they voted the democratic ticket in 1876 with them?—A. Yes, sir.

Q. Before that they had voted the other way, I suppose?—A. Yes, sir; some of them. One or two did not.

Q. Is there any other club?—A. I wish to say that the white men of this club were democrats, but they had not belonged to any democratic organization.

Q. You belonged to it, and you were a republican?—A. Yes, sir.

Q. Where else did you know about a club?—A. I believe that is all that I know of my own knowledge.

Q. You could not from your own knowledge tell me how it was in the other parts of the county?—A. No, sir; not from my own knowledge. These were the largest precincts.

Q. These democrats that you went to see when you wanted to hold your meeting said that their clubs were coming armed, and that they had been informed that the republican colored clubs were coming armed, did they?—A. The republicans had no clubs.

Q. I mean the colored clubs. That was the excuse they gave, right or wrong, for their people coming armed, was it not? Because they had heard that the colored people were coming armed?—A. That was the excuse.

Q. And they said they had been so informed?—A. Yes, sir.

Q. These democrats that you went to counsel with desired to keep the peace, did they not, if they could? They tried to make an arrangement of that kind?—A. No, sir; I only spoke there with the chairman of the executive committee. He was in favor of it. The democrats who waited upon us were not.

Q. You first arranged with the chairman of the executive committee to have a joint peaceable meeting?—A. Yes, sir.

Q. But those clubs would not agree to it?—A. No, sir.

Q. Is it not true in times of political excitement in your State—I speak now only of your knowledge about it in your own locality—that rumors get out among the colored men, exciting them to the effect that the democrats are all going to appear armed; and that on the other side somebody sets in circulation the rumor that the colored men are coming armed?—A. Yes, sir, I believe it is.

Q. And that begets uneasiness, does it not, on both sides?—A. Yes, sir.

Q. You did expect a very large colored meeting at that time when this story was started, did you not; I think you said two thousand?—A. Yes, sir.

Q. Were you at Fayette when the meeting was held in 1876, at which Mr. Chalmers made a speech?

The WITNESS. You have reference to the first time he was there?

Mr. KERNAN. Yes, sir.

A. Yes, sir; I was there.

Q. Was it a pretty large meeting?—A. Quite a large meeting.

Q. Were there colored men attending it as well as white men?—A. I don't recollect how many colored men were there at that time.

Q. Did they not have a club there of colored men who sang some songs to help the meeting along? Did not a colored man make a speech there?—A. I was not at his first meeting. I only speak of what I saw around the town. I did not go to the building.

Q. You did not go there, and you do not know whether there were colored men or not?—A. No, sir.

By Mr. TELLER:

Q. Do you know of any armed organizations among the colored people?—A. No, sir.

Q. You stated that the democratic clubs were all well armed, did you not?—A. Yes, sir.

Q. How were they armed?—A. A great many of them who came to town had the most improved rifles and shot-guns, and all had side-arms.

Q Did you vote the democratic ticket?—A. Yes, sir.

Q. Why did you vote the democratic ticket if you were a republican?—A. I had several reasons. First, I believed that a change would make things more quiet in the South.

Q. A change in party?—A. I believe that if we could divide the colored men so that all the colored men would not be on one side and all the white people on the other side, that it would probably help matters in the South. I can't say that, under other surroundings, I would have voted the democratic ticket. I don't think I should.

Q. State what you mean by the remark "it would be more quiet;" do you mean the whites would let the negroes alone if they divided their vote?—A. I mean that the democrats could not charge us with being a party composed entirely of ignorant colored men. They would have members of them in their own party.

By Mr. KERNAN:

Q. It would doubtless lead to a better state of things if they were not divided on the color-line, would it not? If there were colored men who were democrats and white men who were republicans?—A. I think it would be better; it was not so at that time.

W. H. KENNON sworn and examined.

By Mr. TELLER:

Question. Where do you reside?—Answer. In Noxubee County, Mississippi; Macon.

Q. How long have you resided in the State of Mississippi?—A. Ever since I was five years old.

Q. Where were your born?—A. Green County, Alabama.

Q. Were you in the Confederate service?—A. I was.

Q. How long?—A. From the beginning of the war until July, 1864, when I was wounded.

Q. You have only one arm. Did you lose your arm in the Confederate service?—A. Yes, sir.

Q. Did you hold any office in the Confederate army?—A. No, sir; I held a non-commissioned office; no commissioned office.

Q. Have you ever held any civil office in the State of Mississippi. If so, state where, when, and what it was.—A. After the surrender, we had a special election in Mississippi in 1865 to fill out the unexpired term of one year, by special act of the legislature. That was before the reconstruction act was passed, just after the surrender. I was elected at that election as probate clerk—it is now changed to chancery clerk—of Lowndes County, and was re-elected again the following year. I held office two years. I have never held any office since the reconstruction acts were passed; never have been a candidate for one except the office that I am now holding as a member of the board of registration of my county. That has been unsolicited on my part.

Q. By whom were you appointed to that office?—A. By the governor and president of the senate and secretary of state.

Q. When were you appointed?—A. On the first Monday in June, 1876.

Q. The democratic administration appointed you?—A. Yes, sir.

By Mr. KERNAN:

Q. You were the republican member, I suppose?—A. Yes, sir.

By Mr. TELLER:

Q. Were you sworn before Senator Boutwell's committee?—A. I was.

Q. Then I will not go back of that.—A. I would like to go back of that and make a statement in connection with some matters that Mr. Patty testified to yesterday in regard to myself.

Q. In 1875?—A. Yes, sir.

Q. State whatever you choose about the campaign of 1875.—A. R. C. Patty, of Macon, Noxubee County, testified yesterday to certain circumstances. In the election of 1875, in Noxubee County, as will appear from the election-return and from my evidence before Mr. Boutwell's committee——

Q. What county did you live in when you testified?—A. In Noxubee County; the same that I am now living in. My testimony is in the first part of the second volume.

Q. Proceed with your story.—A. I stated before Senator Boutwell's committee in 1875 there were two precincts in Noxubee County in the election for county officers and members of the legislature and State treasurer at which the polls were not opened, and there was not any vote. Mr. Patty yesterday, in his testimony, said that it was reported in Noxubee County that I, as an advocate for Captain Little, the candidate for Congress, had those polls to remain closed in order to defeat his adversary, Governor Powell; and I wish to say that that report is without foundation in Noxubee County, and is entirely false in every respect. I never heard it in Noxubee County before. On the contrary, as it appeared in my evidence before Mr. Boutwell's committee, I employed a person to carry the ballot-boxes and books to those two precincts with instructions to the men who were appointed by the registration-board to hold the election—to have a justice of the peace swear them in. Nobody from those two precincts came to Macon to get the ballot-boxes and books, and it was impossible for me to act in any other way.

On Saturday before the election on Tuesday, Richard Gray, the republican candidate for treasurer, or the nominee for treasurer of that county, was shot on the streets of Macon in a—I don't know whether it was a riot or not; there was a large gathering.

Q. You mean the republican nominee?—A. Yes, sir; the republican nominee for treasurer of that county was shot on the streets of Macon, on Saturday before the election on Tuesday. There was a large number of colored men in town on that day and they were greatly terrified from that shooting, and on Monday nobody came in from the different precincts; and that, as much as anything else, was one reason why, I suppose, the inspectors did not come in to qualify.

Q. Mr. Gray was a colored man, was he?—A. Yes, sir; and it is well known in that county that those two precincts, that Captain Little whose claims, it is said by Mr. Patty, I was advocating, and for whose interest those two boxes were kept closed—it is well known in the county that those two boxes would have given him a very large majority of the votes, and it was detrimental to him for the polls to have been closed. There was no justice of the peace, or any party who was authorized to qualify the inspectors, who could be found at those two precincts.

Q. Then you say that really the republicans suffered by a failure to open the box, and not the other side?—A. Yes, sir. There were two republican candidates for Congress in the county. Mr. Patty was asked——

Mr. KERNAN. There were two republican candidates and one democrat, as I understand it.

Q. (By Mr. TELLER.) Were both of those republican precincts?—A. Yes, sir; they were, very largely.

Q. Is that all you wish to say about the election of 1875 which you did not say in the Boutwell report?—A. I will further state that I do not want any blame attached to me about the matter. I try to live above suspicion so far as those things are concerned.

The election-laws are more familiar to the white people than they are to the colored. The colored people are ignorant, to some extent, of their rights; and the laws of 1875 made it legal when the inspectors and clerks of election refused to qualify at any precinct, for a certain number of citizens to meet together and appoint some of their number to hold an election. I think the white people of the county pretty generally were familiar with that law, and I am satisfied that the colored people at that time were not. If they could have held their election, they would have been anxious to have done so under that law.

By Mr. KERNAN:

Q. You were not to blame for not sending out the boxes, and because the people did not manage to open the polls, you say?—A. Yes, sir.

By Mr. TELLER:

Q. Now, I will ask you to give us a history of affairs in your county in 1876, or in any other part of the State, so far as you know it, making the statement short and pointed.

Mr. KERNAN. Please give what you personally said or did, and when you want to say something about what others told you, let us know it so that we can see whether we will take it.

Mr. TELLER. What is that which you are looking over?

The WITNESS. This is a statement that I made.

Q. (By Mr. TELLER.) A memorandum made for your own use?—A. Yes, sir; I will commence with the registration of the county, and give the manner in which I think the election was conducted. The registration of Noxubee County commenced on the 7th of August, 1876, and by the provisions of section 3 of "An act to provide for the registration of voters, amending and repairing laws relative thereto, and for other purposes," approved April 7, 1876, and in pursuance of registration notices published in a newspaper printed and published in the town of Macon, Miss., to wit, the Mississippi Sun, the registration closed five days before the general election for electors for President and Vice-President, and Representatives to the 45th Congress. After the registration had closed in accordance with the notice and the provisions, as I understand it, of the registration-law, and against my protest, a good many parties were registered in the county whom I contended——

By Mr. KERNAN:

Q. After the close of registration?—A. Yes, sir; whom, I contended, then and now, were not entitled to be registered. I protested against that action of the board, and was overruled by two democratic members telling me that they had a majority on the board, and would act as they saw proper. I cannot positively state that those were persons who wanted to vote the democratic ticket, but I do not suppose the demo-

cratic members would have so registered parties who wanted to vote on the other side.

Q. You made your protest, and they said they would not allow it. Do not give your suppositions. Now, go on and tell what you know about it.—A. After the registration closed, the poll-books for the various precincts of the county were made out by the registrars, and were delivered to the sheriff of the county, and by him sent to the inspectors of the various precincts as required by such registration-law. The poll-books were not certified to as required by section 8 of said registration-law; and I state that that matter came up before the members of the board, and the president of the board, Mr. Schomaker, gave it as his opinion that the law did not state nor did it compel the registrars to certify to the books; that it left it optional with them whether they should certify to the books then or wait until after the election was over, when the books would be turned over by law to the chancery clerk. They both agreed about that; and the books were delivered to the sheriff without any certificate; and the sheriff delivered all of those books to the various inspectors of election at least twenty-four hours before the time of opening the polls. I wish to submit his affidavit as to that.

Mr. KERNAN. What is the particular point in this?

Mr. TELLER. I do not know. Were they delivered to the proper officers according to law?

The WITNESS. Yes, sir.

By Mr. TELLER:

Q. At least twenty-four hours, he swears, before the opening of the polls?—A. Yes, sir.

The affidavit of J. B. Allgood was offered in evidence.

Objected to by Mr. Kernan. Objection overruled.

The following is a copy of the affidavit:

THE STATE OF MISSISSIPPI,
Noxubee County:

This day came and personally appeared before me, T. J. White, clerk of the circuit court of said county and ex-officio notary public of said county, J. B. Allgood, sheriff of said county, who, being by me first duly sworn, deposeth and says that, in compliance with section 18 of "An act to provide for the registration of voters, amending and repealing the laws relating thereto, and for other purposes," approved April 7th, 1876, that he delivered the poll-books for the various precincts of said county to the managers or inspectors of election at every precinct at least 24 hours before the opening of the polls or time of voting on the 7th day of November, 1876; that is to say, a part of said book was delivered on the 4th day of November, 1876, and the remainder on the morning of the 6th of November, 1876, before 10 o'clock a. m.

And affiant further makes oath that he received said poll-books from the hands of the democratic members of the county board of registration of said county, as the proper books for the voting the qualified voters of said county, and that said books were not changed, altered, or effaced in any manner whatsoever, while in his possession.

J. B. ALLGOOD.

Sworn to and subscribed to before me this the 13th day of January, A. D. 1877.

T. J. WHITE,
Clerk of the Circuit Court of said County & Ex-officio Notary Public of said County and State.

The WITNESS. They had them twenty-four hours before the opening of the polls and some of them had them longer. On the morning of the election, the democratic managers at the election——

By Mr. KERNAN:

Q. State those places of which you have some knowledge.—A. At Cliftonville, Centre Point, Prairie Point, and May's school-house; instead of opening the polls at eight o'clock in the morning and closing

them at six in the afternoon, as required by the revised code of 1871, they waited until eight o'clock in the morning and then they brought those books back to the court-house, to the county-seat, as they said, to get the registrars to certify to them. I then saw the whole trick——

(Objected to by Mr. Kernan. Objection overruled.)

The WITNESS. No, sir; I said that instead of opening at eight and closing at six, they took possession of the books and brought them back to the court-house for the certificate of the registrars.

By Mr. TELLER:

Q. That was to get the certificate put on which should have been put on in the first instance?—A. Yes, sir; in that way they delayed the vote as long as they pleased. Some places they opened at half past two, and others at four.

Q. In the afternoon?—A. In the afternoon. I know at Cliftonville, when they got back with the books, they made the arrangement with the republicans—an arrangement was made; I don't know how it was effected, exactly. I have got an affidavit of T. G. Reed, who was United States marshal at that precinct. I was not there. I would like to submit that as a part of my testimony, showing how the election was conducted.

Mr. KERNAN. I object to that. You have people here who can state what they saw. Tell us only what you know personally about it.

Mr. TELLER. I understand that yesterday, when your side had a witness on the stand, they allowed such matters to be put in.

Mr. KERNAN. They should not have done so.

Mr. TELLER. Unless you allow those which were put in yesterday on your side to be stricken out, I shall want this to be put in. Will you consent that the affidavits put in yesterday be stricken out?

Mr. KERNAN. I do not know what they are. If you think this had better come in, I would rather have it come in, with my objection, than to waste time to ascertain what was introduced yesterday.

Mr. TELLER. I do not think these papers should be put in, but if it was done yesterday I see no reason why it should not be done to day. [To the witness:] Go on and make your statement, and we will see whether these should be put in.

The WITNESS. I will hand in that affidavit. I would like to state that the law requires that the registrars holding the election are the managers of the election at the county-seat, and I was not at any other precinct in the county. What I said in regard to any other precinct is what I know from statements made by other officers who were there.

(Objected to by Mr. Kernan. Objection overruled.)

By Mr. TELLER:

Q. Is this a sworn statement of the marshal, delivered to you as the registration officer?—A. Yes, sir; they were delivered to me since the date of the election; sworn to before the circuit clerk.

Q. When was it dated?—A. Some time in January, 1877.

Mr. TELLER. I think we will put it in, and after this we will stop receiving such documents.

Mr. KERNAN. I wish to have my objection entered to this paper on the ground of incompetency.

(Objection overruled.)

THE STATE OF MISSISSIPPI,
Noxubee County:

This day personally came before me, T. J. White, clerk of the circuit court and ex-officio notary public in and for the county and State aforesaid, T. J. Reed, who, being by me first duly

sworn, on oath says that he was deputy United States marshal for the northern district of Mississippi, duly appointed and commissioned, and as such deputy marshal was on duty at the voting-precinct of Cliftonville, in the county of Noxubee, on the day of the election for electors for President and Vice-President, and for members of the Forty-fifth Congress, to wit, the seventh day of November, 1876; that at Cliftonville the poll-books was in charge of democratic managers; that on the morning of the election the managers refused to open the election, alleging for excuse that the poll-book was incomplete, because the registrars had not signed them, and for this reason they could not allow the polls to be opened and the voting to begin at eight o'clock a. m., as required by the statute; that the managers of the election sent the book to Macon, the county-seat, for the signatures of the registrars; that the distance from Macon to Cliftonville is fourteen miles; that the poll-books was not opened on said day until a quarter past two o'clock p. m.; that when said polls was opened an agreement was made by and between the democrats and republicans that the voting should be conducted as follows: the democrats should vote 15 minutes and then the republicans should vote 15 minutes; that at said precinct there is 89 whites registered and 693 colored; that after all the democrats had voted the republicans voted at least one hour without intermission or interruption; that at said precinct 290 votes was cast out of a registered vote of 782. Affiant further swears that when the polls was closed there was about four hundred republicans waiting to vote, who did not get to vote because the polls was not opened in time. Affiant further says that when the polls was closed at six o'clock, that the deputy sheriff, W. G. Lake, the United States commissioner of elections, L. W. Overton, Wm. McDavid, and affiant, both deputy United States marshals, insisted on counting the votes as the law required, and had the law then and there produced and read, requiring the counting to begin with one hour's intermission, and continue until twelve o'clock m.; that said managers then and there emphatically refused to count the votes, at the same time taking charge of the ballot-box and carrying it away, alleging as a reason for not counting the votes, that they had been up all night the night before, with other citizens of the county, shooting the cannon at various places in the county. Affiant further states that from his own judgment and from the opinion of others expressed when the polls was closed at said precinct, the republicans had a majority of from fifty to seventy-five, and affiant further testifies that to the best of his knowledge and belief, had the counting begun and continued as the law directed, the republicans would have had from fifty to seventy-five majority of the votes so polled and counted.

Affiant further states and swears that the voters entered the house where the ballot-box was situated, at different doors, that is the democrats entered at one entrance and the republicans at another, and he had ample opportunity to observe the number of colored voters who entered the entrance where the democrats entered to vote; that from his observation he does not believe that twenty colored men voted the democratic ticket. And affiant further says that had the polls been opened at eight o'clock as required by law, he has good reasons to believe and does believe that the republican electors for President and Vice-President, and W. W. Chisholm, republican candidate for the Forty-fifth Congress, would have received at said precinct at least 600 votes, when by said reasons the democratic candidate for Congress received a majority of twenty votes as counted out by the democratic managers next day after the election. Affiant further swears that he has good reasons to believe and does believe that the poll-book was at the precinct at least thirty-six hours before the said 7th day of November, 1876, and that one or more of the managers of the election at said precinct knew that said poll-book was not signed by the registrars, and that it is his candid opinion, under oath, that it was understood by and between the democratic members of the board of registration and the democratic managers of the election in this county that the books should go out without the certificate of the registrars, and all be returned on the day of election, because the republican member of the board of registration demanded that the books should be signed before they left the office of the board, when he was overruled by the two democratic members of said board, and said books was sent out by them unsigned.

Affiant further swears that had the polls been opened at all the precincts in said county as required by law, and the vote cast been counted as required by law, that the republican electors for President and Vice-President and W. W. Chisholm, candidate on the republican ticket for member of the Forty-fifth Congress, would have received a majority of the votes so cast of at least 2,500 in this county.

Affiant further says that there is 1,158 whites registered and 4,023 colored in said county; that at said election there was 3,061 votes counted out as cast, leaving 2,120 votes not cast, all republicans, as affiant has good reasons to believe, and does believe. And affiant further says that at Lynn Creek precinct, where there is fifty-eight whites and ninety-one colored registered, there was 141 votes cast, and that the republicans had a majority of nine; and at Summerville precinct the republicans had a majority, and the democratic managers refused to count the votes, and did not make any return to the board of registration.

T. J. REED.

Sworn to and subscribed before me this 13th day of January, A. D. 1877.

T. J. WHITE,
Clerk Circuit Court and Ex-Officio Notary Public of said County and State.

Mr. TELLER. Now proceed with your statement.

The WITNESS. In regard to these other precincts, I was one of the registrars of the county, and I held the election, or helped to hold the election, at the county-seat. I was not present at these various precincts, and I can only state what was told me by these officers.

Mr. KERNAN. I object to that as hearsay.

Objection overruled.

Q. State what other officers of the precinct told you. Have you any more affidavits from them?—A. Yes, sir; I have got affidavits from each precinct where they brought the books back.

Mr. TELLER. Let us have the affidavits and we will put them in, (as the other side introduced this system into practice,) so far as this witness is concerned. It applies to the same county.

Mr. KERNAN. I object to each and all of these affidavits as incompetent.

Objection overruled.

Q. Do you know all of these to be genuine?—A. Yes, sir.

Q. You know that they were sworn to by the men who purport to have sworn to them?—A. Yes, sir.

The following are copies of the affidavits above referred to:

THE STATE OF MISSISSIPPI,
Noxubee County:

Personally appeared before me, T. J. White, clerk of the circuit court, and *ex-officio* notary public, W. G. Lake, special deputy sheriff, who, being by me first duly sworn, on oath says that he was special deputy sheriff at Cliftonville precinct; that the poll-books was sent back from the Cliftonville precinct for the signature of the member of the board of registrars, and that the poll-book was not received back until 2½ o'clock p. m.; that when the polls was opened an agreement was made by and between the republicans and democrats at the polls that the voting should be conducted by voting the democrats fifteen minutes and the republicans should vote fifteen minutes; that after the democrats voted all their strength the republicans voted at least one hour, (only 89 white votes registered;) that after the polls was closed, at 6 o'clock p. m., he, as deputy sheriff, demanded that the counting of the votes should begin, and the managers took possession of the box and refused to count the vote, as required by law, a justice of the peace then and there reading to them the statute requiring the counting of the votes to commence, with one hour's intermission until 12 o'clock m.; that I, as deputy sheriff, did not open the polls until the time above mentioned; that all the democrats voted as above stated, and for want of time 492 republicans did not vote.

W. G. LAKE.

Sworn to and subscribed before me this the 5th day of January, 1877.

T. J. WHITE,
Clerk of Circuit Court and ex-officio Notary Public.

THE STATE OF MISSISSIPPI,
Noxubee County:

This day came and personally appeared before me, T. J. White, clerk of the circuit court of said county, and *ex-officio* notary public of said county, Adam Dantzler, who, being by me first duly sworn, says that he was duly appointed and sworn by the "county board of registration of said county" as the republican inspector of election at Prairie Parish precinct, in said county, and in the exercise of the duties of said office was present the entire day of the late election at said precinct for electors for President and Vice-President of the United States, and Representatives in the Forty-fifth Congress, to wit, on the 7th day of November, A. D 1876; that on the morning of said day the polls at said precinct was opened and continued for fifteen minutes, and during that time none but democrats was voted; that after that time, to wit, fifteen minutes past eight o'clock of that day, the democratic inspectors proclaimed that the voting was illegal on account of the incorrectness, as they said, of the poll-book then being used, and they then and there closed the polls, and with the said poll-book in their possession left said precinct for the county-seat, as they said, to have said book corrected, but, as affiant verily believes and avers, with the intention of delaying said voting at said precinct, and by that means defrauding the republicans at said precinct out of their legal franchise, and by that means so affecting the will of the people as to change a large republican majority to a democratic majority; that at three o'clock of the day aforesaid the democratic inspectors returned with the poll-book, and the voting was continued from that hour until six o'clock p. m.; that

the arrangement made at three o'clock, between the parties for voting, was to vote alternately, one democrat and one republican, which was continued until five o'clock p. m., when there could no longer be found a democrat to vote, and during the next hour affiant makes oath that only *six* republican votes was allowed to be cast; and affiant further makes oath that after six (6) o'clock of November 7, 1876, after the polls at said precinct was closed by law, there was left at said precinct with republican tickets in their possession about five hundred and forty (540) voters who were defrauded out of their sacred right to vote, and who returned to their homes with their ballots in their possession.

ADAM DANTZLER.

Sworn to and subscribed before me this the 6th day of January, A. D. 1876.

T. J WHITE,
Clerk of the Circuit Court of Noxubee County,
and ex-officio Notary Public of said County.

THE STATE OF MISSISSIPPI,
Noxubee County:

This day came and personally appeared before me, T. J. White, clerk of the circuit court of said county and *ex-officio* notary public of said county, Eli Moore and Robert Douglass, who, being by me first duly sworn, on oath say: That they were deputy United States marshals for the northern district of Mississippi, duly sworn and commissioned, and as such officers were present, and as such officers were in the performance of their duties at Centre Point precinct, in Noxubee County, Mississippi, on the 7th day of November, 1876, at the late election for electors for President and Vice-President of the United States and Representatives in the Forty-fifth Congress; that at Centre Point precinct the democratic inspectors of election, who were the sole possessors of the poll-books, failed, neglected, and refused to open the polls at said precinct until four o'clock p. m. of that day; that at the hour for the opening of the polls, the democratic inspector having the possession of the poll-books for said precinct, stated to affiant that the books were not correct and must be sent back to the registrars at the county-seat for correction. And affiants further state that the distance from Centre Point to Macon is seven miles, and at the time of the election, to wit, the 7th day of November, 1876, the poll-book could easily have been returned by eleven o'clock of that day. But, on the contrary, said democratic inspector intending to cheat and defraud the republicans at said precinct out of their legal and sacred right of casting their votes in said election, did not return with said poll-book until four o'clock of the 7th of November, 1876. And said affiants further make oath that the situation of the box for depositing the ballots was another act of palpable fraud on the part of the democratic managers, to wit, the electors voted standing on the ground on tip-toe and reaching their ballots up to a window above seven feet from the ground: that from that window to the ballot-box inside the building was ten feet, so as to make it a perfect impossibility for any voter to know whether his vote was deposited or not, as the box, the managers, and all were entirely out of their reach and sight. Affiants further make oath that they as United States deputy marshals were deprived of their rights of going in the building where the box and managers were, and thereby molested in the lawful execution of their offices. Affiants further make oath that at least 481 colored voters were intentionally cheated and defrauded out of their right of franchise at said precinct, and were compelled to leave for their homes with their republican ballots still in their possession. Affiants further make oath that all the democrats voted, and only 29 republican votes out of a registered vote of 510 were counted as voted. The arrangement in regard to the voting between the two parties was as follows: One republican and one democrat approached the window and held up their ballots, which were taken by some man above, and as only two hours were allowed for voting this would have made a tie vote. But when the count was made there were only 29 republican votes and 135 democratic votes, showing fraud and stuffing of the box plain, palpable, and beyond contradiction.

ROBERT DOUGLASS.
ELI MOORE.

Sworn to and subscribed before me this the 6th day of January, A. D. 1876

T. J. WHITE,
Clerk of the Circuit Court of said County and ex-officio
Notary Public of said County.

THE STATE OF MISSISSIPPI,
Noxubee County:

This day came and personally appeared before me, T. J. White, clerk of the circuit court of said county and *ex-officio* notary public of said county, Robert Cutts, who, being by me first duly sworn, deposeth and says: That he was duly appointed and commissioned as one of the supervisors of the registration and the election of electors for President and Vice-President and for Representatives in the Forty-fifth Congress, at an election held in said county on the 7th day of November, 1876, and as such officer and in the performance of his duties he was present during the entire day of November 7, 1876, at Summerville place of said county. That the voting at said precinct was commenced at 10 o'clock a. m. and continued until

closed at 6 o'clock p. m. That all the qualified electors at said precinct who presented their ballots was voted. That after the closing of the polls affiant demanded of the democratic inspectors in charge of the ballots and poll-book a count of the votes as required by law; but, contrary to the statute requiring the counting of the votes to commence with one hour's intermission, and continue until 12 o'clock m., after the closing of the polls said democratic inspectors not only refused to count said ballots in compliance with their oath as such officers, and in further compliance of the laws of said State, but refused to count said ballots, or any of them at all, informing said affiant the said poll-book was not certified to by registrars of said county, and said election was not legal. Affiant further makes oath that said poll-book was delivered to said democratic inspectors on the morning of the 7th of November, 1876, before the hour of voting, and was received and accepted by them as the legal and proper poll-book for said precinct, and that said poll-book contained all the names of the qualified voters of said precinct; that no objection in any particular was made to said poll-book or any illegality in said election until after the closing of the polls, when affiant was informed, on demanding a count, that the republicans had a majority of the votes cast at said precinct, and that as the book was not certified to they would not count them, or any of them, either then or at any other time. And affiant further makes oath that the law was fully complied with in every particular during said election, and that the refusal of said democrats to count said ballots was, as expressed by their words and actions, simply to defraud the republicans out of their ballots, and by said means to carry Noxubee County against the will of the people for the democratic party; that there is a registered white vote of 63, and registered colored vote of 95; that only two colored voters voted the democratic ticket at said precinct, and that there was a majority of 30 votes cast for the republican ticket.

ROBERT CUTTS.

Sworn to and subscribed before me this the 13th day of January, A. D. 1876.

T. J. WHITE,
Clerk of the Circuit Court and ex-officio Notary Public of said County.

THE STATE OF MISSISSIPPI,
Noxubee County:

This day came and personally appeared before me, T. J. White, clerk of the circuit court of said county and ex officio notary public of said county, Andrew Ballard, who, being by me first duly sworn, says that he was one of the supervisors of registration at the election for Representatives in Congress and for election of electors for President and Vice-President of the United States to be held at Shuqualak, Miss., on the 7th day of November, 1876: that the voting at said precinct was not commenced, as required by the statute, at 8 o'clock a. m., but, on the contrary, the democratic inspectors having charge of the poll-books for said precinct proclaimed to the voters that the same were incorrect, and, under protest of affiant and the deputy United States marshal, the democratic inspector left the said precinct of Shuqualak with the poll-book for Macon at half past eight o'clock in the morning and returned at four o'clock in the afternoon of said day, to wit, the 7th day of November, 1876; that by said means the republicans at said precinct were defrauded out of their franchise; that the democrats, after the return of the book, had complete possession of the polls, and no republican was allowed to vote until the democrats had voted their full strength, and only giving the republicans one half-hour to cast their ballots during the entire day.

Affiant further makes oath: there is registered at said precinct 316 colored and 135 whites; that there were cast for the democratic ticket 132 votes and for the republican 38 votes, leaving about 278 republicans who were by the means aforesaid cheated and defrauded out of their right to vote.

Affiant further makes oath that the distance from Shuqualuk to Macon is ten miles, and that said poll-book could have been easily returned by the democratic inspector by half past eleven o'clock, and which would have been ample time for every voter to have voted, with fair and impartial management; but, in order to delay and defraud the republicans out of their votes, said inspector intentionally delayed in returning said poll-book, which affiant did not then and does not now believe was carried away for any other purpose than to delay the election.

ANDREW BALLARD.

Sworn to and subscribed before me this the 6th day of January, A. D. 1877.

T. J. WHITE,
Clerk, &c., and ex-officio Notary Public.

THE STATE OF MISSISSIPPI,
sea *Noxubee County:*

averis day came and personally appeared before me, T. J. White, clerk of the circuit court fraudcounty and ex-officio notary public of said county, James Constantine, who, being affectiirst duly sworn, says that on or about the 20th day of October, A. D. 1876, (as shown majorit mission hereto attached,) he was duly commissioned and qualified as deputy United the poll rshal for the northern district of Mississippi, and as such officer and in the per-

formance of the duties of said office he was present the entire day of November 7, A. D. 1876, at an election held on said day at Shuqualak precinct, in Noxubee County, for electors for President and Vice-President and for Representatives in the Forty-fifth Congress; that he was charged during that day with keeping the peace at said precinct, and in rendering all necessary assistance in having at said precinct a fair and impartial ballot of all the voters who presented their votes; that at half past eight o'clock of November 7th, 1876, the inspectors of election at said precinct met and the polls was proclaimed opened; that immediately thereafter the democratic inspectors proclaimed to the voters present that the book (poll-book) in their possession was incorrect and must be returned to the registrars for their certificates, and no one was allowed to vote; that affiant demanded that the poll-book should not be carried away, and ordered that the voting should commence, and that any irregularities in regard to the poll-book could be settled by a higher tribunal, and that they, as inspectors, had received said book from the proper authority, and as inspectors they were not there to decide as to the validity of the poll-book, but to perform other and higher duties. But affiant, on oath, says that said democratic inspectors, in violation of all law and of their solemn oaths as such officers, and further, for the purpose of delaying the election at said precinct, and thereby and by that means defrauding the republican voters out of their sacred right to vote, did then and there take and carry away said poll-book, and did not return the same until 4 o'clock p. m. of that day, to wit, November 7, 1876; that at 4 o'clock p. m., when said book was returned, the democrats had taken complete possession of the grounds in front of the precinct, and no republicans had an opportunity of casting their ballots until about half past 5 o'clock, allowing one half-hour for them to cast their ballots; and during which time thirty-eight republicans was voted, and the polls closed at 6 p. m. Affiant further makes oath that at said precinct there is a registered white vote of 135 and colored vote of 316; that there was 132 votes cast for the democratic ticket and 38 for the republican ticket, and six colored votes cast for the democratic ticket, and that there was left at said precinct, with republican ballots in their possession, about 272 voters, who were by the means and in the manner aforesaid deprived of their right to cast their ballots; that after the closing of the polls the ballots were counted, and on the next day returned to the county-seat.

JAMES CONSTANTINE, his x mark.

Sworn to and subscribed before me this the 8th day of January, A. D. 1877.

T. J. WHITE,
Clerk of the Circuit Court and ex officio Notary Public of said County.

MACON, MISS., *November* 14, 1876.

JAMES CONSTANTINE:

SIR: I will only give you 30 days to leave Noxubee County. If you do not leave, you may look for about 16 buckshot about whear your gallises cross. I mean business. Nathan McNeese may look for the same, but I intend this for your benefit.

Yours, truly,

COFFIN.

THE STATE OF MISSISSIPPI,
Noxubee County:

I, T. J. White, clerk of the circuit court of said county and ex-officio notary public of said county, do hereby certify that the above letter is an exact and complete copy of the original, shown me by James Constantine, and who makes oath that he received said letter, of which the above is a true copy, through the post-office at Shuqualak, Miss.

JAS. CONSTANTINE, his x mark.

Sworn to and subscribed before me this the 8th day of January, 1877.

T. J. WHITE,
Clerk of the Circuit Court of said County and ex-officio Notary Public for said County.

THE STATE OF MISSISSIPPI,
Noxubee County:

This day came and personally appeared before me, T. J. White, clerk of the circuit court of said county and ex-officio notary public for said county, A. C. Cain, who, being first duly sworn, deposeth and saith that he was "one of the supervisors of registration and the election for Representatives in Congress and for election of electors for President and Vice-President of the United States," at Brooksville precinct, in said county; that the voting was commenced at eight o'clock a. m., and continued until six o'clock p. m.; that contrary to the statute requiring the counting and testing of the votes to be commenced with one hour's intermission after the closing of the polls, (on the day of election,) and continued until twelve o'clock, that the democratic inspectors of election, under his own and the solemn protest of the deputy United States marshals then and there present, took charge of box containing the ballots cast at said precinct, and remained the sole possessors thereof until

eight o'clock a. m. of November 8, 1876. And affiant further makes oath that he was present during the election the entire day of November 7, 1876, and is familiar with the number of votes cast for each ticket, and believes that a large majority of the votes cast was for the republican ticket, but that on the 8th of November, when the counting of the ballots was had, the vote was so changed and the will of the people so affected as to change a solid and large republican majority to a democratic majority of 61; that there is 70 whites registered at said precinct and about 13 votes cast by colored men for the democratic ticket, as he verily believes.

A. C. CAIN.

Sworn to and subscribed before me this the 5th day of January, A. D. 1877.

T. J. WHITE,
Clerk of the Circuit Court and ex-officio Notary Public of Noxubee County.

THE STATE OF MISSISSIPPI,
Noxubee County:

This day personally appeared before me, T. J. White, clerk of the circuit court and ex-officio notary public in and for the county and State aforesaid, Elisha Bryson, who, being by me first duly sworn, on oath says that he was deputy United States marshal, duly commissioned, and was on duty as such marshal at Brooksville precinct, in the county and State aforesaid, on the 7th day of November, 1876, on which day the election was begun and held for President and Vice-President and for members of the Forty-fifth Congress of the United States; that the polls was opened at 8 o'clock a. m., and closed at 6 p. m. on said day; that at said precinct there is a registered vote of white 70 and of colored 292; that at said precinct 337 votes was cast; that said affiant has good reasons to believe, and does believe, that the republicans have a majority of from 175 to 200 votes, but when the polls closed, instead of counting the votes, as the law requires, the democratic managers of the election took possession of the ballot-box and refused to count the vote, and took the box away, under the solemn protest of affiant, James Poindexter, who was deputy sheriff, and George Hardy, who was United States commissioner of election, all duly appointed and commissioned; that affiant and the above-mentioned gentlemen was refused the privilege of accompanying the box, which was carried into the back room of the building and the door locked; that James S. Madison and S. S. Scales, democratic managers, was in the room; that after the refusal of the democratic managers, Madison and Scales, to allow affiant to be with the box, he asked when the vote would be counted, and that S. S. Scales, one of said managers, informed affiant that the vote would not be counted until next morning.

ELISHA BRYSON, his x mark.

Sworn to and subscribed before me this the 6th day of January, 1877.

T. J. WHITE,
Circuit Clerk and ex-officio Notary Public.

THE STATE OF MISSISSIPPI,
Noxubee County:

This day came and personally appeared before me, T. J. White, clerk of the circuit court in and for said county, and *ex officio* notary public for said county, J. B. Nelson, who being by me first duly sworn, on oath, says: That he was duly appointed and sworn as the republican inspector of election at Brookville precinct in said county during the late election for electors for President and Vice-President of the United States, and for Representatives in the Forty-fifth Congress, on the 7th day of November, 1876; and that on said day, to wit, the 7th day of November, 1876, he was present during the entire day in the performance of his duties as said inspector of election at said precinct, that the voting commenced at eight o'clock a. m., and was closed at six o'clock p. m. on said day: that after the closing of the polls, affiant demanded of the other two inspectors, (who were democrats,) to wit, James S. Madison and S. S. Scales, that the counting of the votes cast should commence in accordance with the statute with one hour's intermission and continue until twelve o'clock But said democratic inspectors, in violation of said statute, said that they had been up all night previous to the election in a democratic procession and were sleepy and would not count the votes, or any of them, until the next day, to wit, the 8th day of November, 1876; that said democratic inspectors, under protest of affiant, the deputy sheriff, and United States deputy marshal, then and there present, took possession of said ballot-box containing all the votes cast at said precinct, and locked the same up and gave affiant the key; affiant further makes oath that said ballot-box was locked with a common padlock which could easily be unlocked with a nail or other keys; and affiant further makes oath that he is familiar with the sentiment of the people at said precinct, and that he believes, and has good reason to believe, and does most solemnly swear that at said precinct there was at least two republican votes cast to one democratic vote: that at said precinct there is a registered white vote of 70 and of colored 292; that there was cast 337 votes, one-third of which affiant believes and makes oath were cast for the democratic ticket, and two-thirds for the republican ticket; but when said vote was

counted there was a democratic majority counted of 61 votes, which affiant believes was a fraudulent count of said ballots, and that the same was intentional on the part of the democrats in refusing to have a fair and legal count of said ballots at the time and in the manner prescribed by the statute. (Revised Code of 1871, page 96, art. 5, sec. 376.)

J. B. NELSON.

Sworn to and subscribed before me this the 6th day of January, 1877.

[SEAL.] T. J. WHITE,

Clerk of the Circuit Court and ex-officio Notary Public of said County.

THE STATE OF MISSISSIPPI,
Noxubee County:

This day came and personally appeared before me, T. J. White, clerk of the circuit court in and for said county, and *ex-officio* notary public of said county, John Jackson, who being by me first duly sworn, on oath says: That he was duly appointed, commissioned, and sworn as a deputy United States marshal for the northern district of Mississippi, and in the discharge of his duties as such officer, and to use all possible means to secure peace, a fair ballot, and a fair count, he was present on the 7th day of November, A. D. 1876, at May's school-house, ——— precinct, in Noxubee County, at an election held at the time and place aforesaid, for electors for President and Vice-President and Representatives in the Forty-fifth Congress; that when he arrived at said precinct there was no poll-book at said precinct, and he was informed that the democratic inspectors had returned to Macon with said poll-book for the certificates of the registrars of the county; that after 12 o'clock the poll-book in the possession of the democratic inspectors was returned, and the voting commenced and continued until 6 o'clock p. m.; that many republicans left the polls before the return of the book, believing there would be no election. Affiant further makes oath that a large majority of the voters at said precinct voted the republican ticket; that after the closing of the polls affiant demanded the count of the ballots in compliance with the statute, but was informed that the counting would be postponed until some future time, against which unlawful proceedings affiant protested, and was informed that he would not be allowed to have anything further to do with said ballots; that for his own personal safety he was compelled to return to his home; that said ballots were left with John C. Gilmon, the democratic returning-officer, (being one of the inspectors,) and as he is informed and verily believes, carried to the house of said Gilmon, and kept until the next day, to wit, November 8, 1876.

JOHN JACKSON.

Sworn to and subscribed before me this 8th day of November, 1876.

[SEAL.] T. J. WHITE,

Clerk of the Circuit Court of Noxubee County and ex-officio Notary Public of said County.

Q. State the result of the election, as far as you know it, from the public records of the county; I mean the returns in 1876 at the different polls.—A. I have got the certified returns of the secretary of state.

Q. Of each precinct?—A. Yes, sir.

Mr. TELLER. Why not put them in? Has it the great seal of the State of Mississippi on it?

The WITNESS. Yes, sir.

Mr. TELLER. Is there any objection to that?

Mr. KERNAN. No, sir; I should think that would be quite authentic.

Q. (By Mr. TELLER.) Is the registration here, or only the vote?—A. The vote is there; I can give you the registration.

Mr. TELLER. Give us the registration first, and we will put this certified return in afterward. You have the registration of each precinct?

The WITNESS. Yes, sir.

By Mr. KERNAN:

Q. This is the registration of 1876?—A. Yes, sir. The number of registered whites in Cliftonville precinct was 89; the number of colored, 693. I can give you the total—782.

By Mr. TELLER:

Q. Have you the figures for every precinct in the county?—A. Yes, sir; I can give the number of each precinct, the total who voted, and the number who did not vote.

By Mr. KERNAN:

Q. You have it written out? You have the votes and the secretary of state's return, have you not?—A. Yes, sir; this will compare with the secretary's return. The number who voted at Cliftonville was 290; not voting, 492.

Prairie Point, whites, 67; colored, 628; total, 695; number voted, 189; not voting, 506.

Centre Point, whites, 76; colored, 510; total, 586; number voted, 164; not voting, 422.

Cooksville, whites, 73; colored, 181; total, 254; number voted, 224; not voting, 30.

Shuqualak, whites, 135; colored, 316; total, 451; number voted, 170; not voting, 281.

Summerville, whites, 63; colored, 95; total, 158. No votes counted at this precinct.

By Mr. TELLER:

Q. Why not?—A. They voted all day, and the managers of the election told me that they had a man to keep count during the day as to how the thing was going, and they found out it went republican, and they noticed then that the book was not certified to and they did not return any——

Q. They noticed that the register was not certified to?—A. The polling-book was not certified to. They did not return any election as having been held there at all.

Mashulaville, white, 111; colored, 133; total, 244; number voted, 237; not voting, 7.

Lynn Creek, whites, 58; colored, 91; total, 149; number voted, 141; not voting, 8.

May's school-house, whites, 85; colored, 209; total, 294; number voted, 235; not voting, 59.

Brooksville, whites, 70; colored, 292; total, 362; number voted, 337; not voting, 25.

Macon, the county-seat, whites, 332; colored, 875; total, 1,207; number voted, 1,093; not voting, 114.

The total number of registered voters in the county, 5,169. The total number of votes cast in the county November 7, 1876, 3,069; the number not voting, 2,100.

The total number of white registered, 1,158; the total number of colored registered, 4,023. The majority of colored voters, 2,865. The number of republican votes not polled for want of time, to the best of my information, 2,100.

Mr. KERNAN. I object to that as incompetent.

Objection overruled.

Mr. TELLER. I now offer in evidence the certificate of the secretary of state:

STATE OF MISSISSIPPI,
OFFICE OF SECRETARY OF STATE,
Jackson, ——— —, 187-.

I, James Hill, secretary of state, do certify the transcript hereto attached of the votes cast for electors of President and Vice-President and a member of the Forty-fifth Congress at the election held on the 7th day of November, 1876, in the county of Noxubee and State of Mississippi, is a true and correct copy from the records now on file in this office.

Given under my hand and the great seal of the State of Mississippi, hereunto affixed, this 13th day of January, 1877.

[SEAL.]

JAMES HILL,
Secretary of State.

For Congress.	Mason.	Cliftonville.	Prairie Point.	Center Point.	Cooksville.	Shuqualak.	Summerville.	Mashulaville.	Lynn Creek.	Wet Water.	Brookville.	Total.	Majorities.
H. D. Money	347	155	98	135	180	131	60	128	66	203	189	1,632	227
W. W. Chisolm	745	128	87	29	44	38	00	91	75	32	136	1,405	.....

Electors.	Macon.	Cliftonville.	Prairie Point.	Center Point.	Cooksville.	Shuqualak.	Summerville.	Mashulaville.	Lynn Creek.	Wet Water.	Brookville.	Total.	Majorities.
State at large.													
A. M. West	346	155	98	135	180	132	00	124	66	203	189	1,628	199
E. Barksdale	346	155	98	135	180	132	00	124	66	203	191	1,630	201
Geo. C. McKee	747	135	88	29	44	38	00	103	75	32	138	1,429	.....
I. T. Settle	747	135	88	29	44	38	00	103	75	32	138	1,429	.....
First district.													
I. M. Acker	346	154	98	135	180	132	00	124	66	203	191	1,629	200
W. D. Frazee	747	135	88	29	44	38	00	103	75	32	138	1,429	.....
Second district.													
W. C. Faulker	346	154	98	135	180	132	00	124	66	203	191	1,629	200
W. T. Cole	747	135	88	29	44	38	00	103	75	32	138	1,429	.....
Third district.													
W. B. Helm	346	155	98	135	180	132	00	124	66	203	191	1,630	201
Jason Niles	747	135	88	29	44	38	00	103	75	32	138	1,429	.....
Fourth district.													
W. D. Gibbs	346	155	98	135	180	132	00	124	66	203	191	1,629	200
W. B. Cunningham	747	135	88	29	44	38	00	103	75	32	138	1,429	.....
Fifth district.													
Robert N. Miller	346	154	98	135	180	132	00	124	66	203	191	1,629	200
S. J. Ireland	747	135	88	29	44	38	00	103	75	32	138	1,429	.....
Sixth district.													
Warren Cowan	346	154	98	135	180	132	00	124	66	203	191	1,629	200
T. J. Woodson	747	135	88	29	44	38	00	103	75	32	138	1,429	.....

The WITNESS. In substantiation of that I believe I will say that all the white men in the county voted, and there were only about ten or twelve who did not vote the democratic ticket. I will further say, in substantiation of that, that at Macon, where the election was regular and the polls were opened at the proper time and closed at the proper time, where everybody voted who wanted to vote, and voted as they desired to vote, that there was polled for the democratic electors 346 votes, for the republican electors there was polled 747 votes, giving the republicans a majority of 401 votes, which, I believe, is a fair expression of the will of the people in the county, had they all voted.

Q. (By Mr. TELLER.) They would have voted proportionately to that, you think?—A. Yes, sir.

Q. What had been the vote theretofore in that county, republican or democratic?—A. It has always been republican, very largely, up to the election in 1875. That year it was mixed. There were some republican officers elected and some democrats.

Q. What occurred next?—A. I do not know the exact details. I suppose that answer is sufficient.

Q. That is about the vote. Is there anything else you want to say? Is there anything about the conduct of the election of 1876 which you wish to state? If so, proceed with it.—A. I might go back of the election and state a little matter that I would like to put in.

Mr. TELLER. Do so.

The WITNESS. And in doing that I will say that there was no republican canvass in Noxubee until just a few days before the election. There was an appointment made at Shuqualak, and one at Macon, and one at Brooksville, I believe, by Mr. Chisholm, as the republican candidate for Congress in the third district. The first appointment was at Shuqualak. I do not exactly know the date. I think it was about the 30th of October. The colored people of the county were all very anxious to attend a republican meeting, and the republicans had been notifying them all through the county of the different appointments of Judge Chisholm, and of the day for the meeting——

Q. Is that the meeting, October 31st? [Showing witness a printed poster of appointments.]—A. Yes, sir; and on the day for the meeting at Shuqualak, there was a large number who came to Macon and formed a procession to go down to Shuqualak to hear the speaking. I suppose there were between 700 and 1,000; somewhere along there. There was a large number.

Q. You mean colored voters?—A. Yes, sir. I went down before this procession; and when I arrived at Shuqualak I found Judge Chisholm and Mr. Gilmer at the hotel at Shuqualak, in their room; and we sat there, I suppose, for half an hour, discussing most of the political features of the canvass; and during that time a large company of white men and democrats, uniformed with red shirts, came by the house and yelled and hollered for Judge Chisholm very furiously, and went on down to the depot, about 200 yards from the house, I suppose.

Q. Did they have any arms?—A. I could not swear positively as to that. I looked out of the window and saw them going along. Those men are generally on the Ku-Klux——

Mr. KERNAN. He asked you if you saw them armed. You said you could not tell. I object to anything further.

The WITNESS. No, sir; I did not see any arms.

Mr. TELLER. Go on and state what you saw.

The WITNESS. They went on down to the depot, near the place where the speaking was to take place. Dr. Allgood had sent one of his depu-

ties down early in the morning to preserve the peace and to see that there was no disturbance.

By Mr. KERNAN:

Q. Down to the place of meeting?—A. Yes, sir; at the place of meeting. He notified us that he did not think it would be safe for the judge to speak——

Q. Who did? The deputy?—A. Yes, sir; and about the time the procession of colored men arrived at Shuqualak there was a dispatch received by him from the sheriff stating that he and Captain Dillard, the mayor of Macon, were on the way and would soon be at Shuqualak. The republicans who had assembled at this place of speaking sent up and notified Judge Chisholm during that time that they wanted to hear him speak and would be glad if he would come down.

Q. Who sent up?—A. The republicans who had gathered at this place of speaking near the depot at Shuqualak. I, and I believe the majority of the persons who were with Judge Chisholm, thought it was best to wait until the sheriff, J. B. Allgood, and Captain Dillard, from Macon, came down, and we waited at this hotel. Captain Dillard and Dr. Allgood came down and saw the persons assembled there, and the citizens of the town, and after consultation with them they came up, and Dr. Allgood came up to the hotel and notified Judge Chisholm that he had dismissed the crowd, and that he thought it would be unsafe to attempt to make a speech that day. And I here state that Captain Dillard had been in Washington, and had left there recently; and on yesterday when I talked over the matter he told me that he agreed with Dr. Allgood——

Mr. KERNAN. No matter about what he said. The sheriff notified him that he thought it was unsafe.

The WITNESS. Yes, sir; the procession went back to Macon, and there was no speaking at Shuqualak.

Q. (By Mr. TELLER.) Was there any other attempt to hold meetings?—A. Yes, sir; there was a meeting on the next day at Macon. There was a large crowd of persons assembled there. The sheriff, in order to keep the peace, I suppose, appointed one hundred deputy sheriffs, and placed them about through the crowd. Judge Chisholm opened—delivered the opening speech; and a colored man by the name of Younger spoke next, with the understanding that Judge Chisholm should have, I believe, half an hour to close. Judge Chisholm and his friends concluded that it was not best for him to close, and he did not close.

Q. Why not?—A For fear of personal harm to himself and to the republicans at that place.

Q. State why they thought so. What was the temper of the crowd and how was it shown?—A. I could only state that from rumor. Nobody told me that they were going to shoot anybody that day, or anything of the kind.

Q. What did you see, or hear that induced you to think so?—A. I will state here that Judge Chisholm had some friends there who were with him who were not known personally to a large number of the people assembled there. They did not know who they were—whether they were democrats or republicans; and through those parties they heard a great many threats of violence intended to be used on him if he attempted to close his argument.

Q. For that reason he was deterred from going on?—A. Yes, sir.

Q. What was Judge Chisholm a candidate for?—A. The republican nominee for Congress in the third district.

Q, Do you know whether he is a native of the South, or not?—A. I think he is. I have known him for a long time. I know he is a southern man, and has lived there a long time. I do not know where he was born. I will here state in connection with that Macon meeting—and I would rather not give any names, I do not want to make any personal enemies in this matter when I go home; but I was told——

Mr. KERNAN. If you will not give the names I object to it. I object to the evidence as hearsay.

Q. (By Mr. TELLER.) Are you willing to give their names?—A. I would prefer not.

Mr. KERNAN. If you do not wish to give the names you ought not to give the evidence. I shall object to it at any rate.

Mr. TELLER. It is sufficient to say that they did not hold the meeting?

The WITNESS. Judge Chisolm did not attempt to have any other speaking in Noxubee County.

Q. (By Mr. TELLER.) For the reason you have given?—A. Yes, sir.

Q. That it was not safe to do so?—A. Yes, sir.

Q. Did anybody else hold any republican meetings?—A. I think Governor Powell afterwards spoke at Cooksville, and possibly at Centre Point. I know he spoke at Cooksville.

Q. He was a republican?—A. Yes, sir.

Q. Was there anything else you wished to state?—A. I would like to submit a piece in this paper, to show what the feeling of the people is down there since I have left there.

Q. What paper is it you wish to submit?—A. It is the Macon Beacon, published at Macon, Misssissippi.

Q. A democratic paper?—A. A democratic paper. Published on Saturday, January 20th, 1877.

Mr. TELLER. You may offer the piece in evidence if you wish to.

The WITNESS. It is headed "Summoned to Washington," and is as follows:

Mayor Dillard and chancery clerk R. C. Patty have been summoned before the investigating committee at Washington. They leave to-morrow and Macon will be without a mayor and the county without a chancery clerk. They were probably summoned at the instance of the democratic portion of the committee to rebut the lying radical testimony in regard to intimidation in Mississippi. They will doubtless give a good account of themselves and will not be bull-dozed by the radical leaders who conduct the investigation in behalf of their party.

Q. Is there anything further which you wish to submit?—A. I do not recollect anything else now.

By Mr. KERNAN:

Q. Are you chancery clerk now? Do you hold any office now?—A. None, except that I am a member of the board of registration.

Mr. KERNAN. I thought you spoke about being a chancery clerk.

Mr. TELLER. That is another man.

Q. (By Mr. KERNAN.) These boxes that you sent out to the places where they were not opened, you sent to those places in the ordinary way?—A. Yes, sir. Do you mean in 1875? I want to know what year you mean.

Q. I am talking about 1876.—A. I did not send them out at all.

Q. Was it in 1875 that you sent them out?—A. Yes, sir. I had nothing to do with the sending out of the polling-books of 1876.

Q. You spoke of some being sent out where there was some trouble about them?—A. Yes, sir; I stated here——

Q. Make it short. When did you get up all these writings that you have been looking at?—A. Since I have been——

Q. Since you have been here?—A. No, sir.

Q. When did you make them up?—A. Before I left Macon to come here.

Q. After you were summoned?—A. Yes, sir.

Q. Who asked you to get them up?—A. I did it myself.

Q. When did you get here? When did you leave home?—A. I left home some time early in January. I do not recollect the exact date.

Q. You have been here over a month, have you not?—A. Yes, sir.

Q. In reference to 1876; as you understand it, the law does require that you should put some certificate on the poll-book?—A. Yes, sir.

Q. You said they sent out polling-books uncertified?—A. In 1875.

Q. You understood that they were required to be certified by the law?—A. Yes, sir.

Q. And some of these, where they were not certified, came in on election-day to be certified, before the polls were opened?—A. Yes, sir.

Q. Was a man sent in?—A. One of the inspectors came in with the books.

Q. Were they certified then?—A. Yes, sir.

Q. And he went back?—A. Yes, sir.

Q. Who drew up these affidavits that were sworn to in January, if you know?—A. They were drawn up by different parties.

Q. At home there?—A. Yes, sir.

Q. Did the parties come up themselves?—A. Yes, sir.

Q. Are they here?—A. No, sir; they are not here.

Q. Did they come here?—A. Those affidavits were sworn to in Macon, Mississippi.

Q. Are any of the men who swore to them here?—A. No, sir.

Q. Who got them up to Macon?—A. I got up the most of them.

Q. They were not sent in to you at the time of the election?—A. No, sir.

Q. Had they come in after this investigation had begun?—A. Yes, sir.

Q. And those affidavits were gotten up in that way?—A. Yes, sir.

Q. Who asked you to get them up?—A. I got them up from the simple fact that I had been summoned here as a witness before the investigating committee, and I thought it was necessary to have them, in order to show how the election had been carried on.

Q. You got them up on your own motion, to aid you in showing how the election was carried?—A. Yes, sir.

Q. Nobody was there to cross-examine the parties?—A. No, sir.

Q. There was no one on the other side for that purpose, when you got them up?—A. The democrats have done the same thing.

Q. How long were you engaged in getting them up?—A. I could not tell. When I——

Q. (Interposing.) Were you paid anything on account of fees or services, before you left home?—A. No, sir; not one cent. I never had received any.

Q. Do you know who suggested you as a witness to be summoned? Who first spoke to you about coming here as a witness?—A. Mr. Munson, I think; the gentleman who left here to summon witnesses.

Q. He was the first man who spoke to you about it?—A. Yes, sir.

Q. Did you suggest any other witnesses to him?—A. No, sir.

Q. Of your own knowledge, you cannot say how many colored men, or whether any colored men did or did not vote the democratic ticket in 1876, can you? I mean in the districts that you did not visit on elec-

tion-day.—A. Not of my own knowledge, I could not state, because I was not at the polls. I can state how it was at Macon precinct.

Q. I asked you about the others because you took pains to swear to what you did not know. You have no knowledge of any other precinct except your own at Macon, have you, as to how they did vote, or whether some of them voted the democratic ticket or not?—A. Of my own knowledge, from my own observation, I do not; and I have not sworn that I did.

Q. In 1875 there was quite a break and dissension in the republican party, was there not?—A. They were divided on the candidates for Congress. There was but one republican ticket for county officers.

Q. They divided on which ticket?—A. There were two candidates in the field for Congressman. There was but one republican ticket for county officers.

Q. But there were two republicans up for Congress?—A. Yes, sir.

Q. And one democrat?—A. Yes, sir.

Q. Was Mr. Chisolm posted for any meetings, to your knowledge, except the two you have spoken of, in your county?—A. Yes, sir.

Q. Where else was he posted to speak?—A. He was posted for Shuqualak, Macon, and Brooksville.

Q. Do you know who did speak at Brooksville then, if anybody?—A. Governor Powell.

Q. He was a republican, and he attended and spoke at that meeting?—A. Yes, sir.

Q. These men who were there in uniform, I believe you said, did not have any arms so far as you saw?—A. No, sir.

Q. Is it quite common for the colored men, when they go to meetings, to bring their shot-guns?—A. I have never seen one come to any political meeting with any arms whatever—not in Noxubee County.

Q. Who is this sheriff?—A. Dr. J. B. Allgood.

Q. Was he a democrat, or republican?—A. He was a republican sheriff.

Q. At the meeting at Macon he appointed one hundred deputies, you say; were they scattered among the crowd?—A. Yes, sir.

Q. What length of time did Mr. Chisolm speak in opening?—A. I think he spoke an hour and a half, probably.

Q. And there was a crowd of how many colored people there?—A. I suppose there was at least five or six thousand.

Q. How many white men?—A. They were much less. I suppose there were about three hundred whites there.

Q. And there were five or six thousand negroes, you think?—A. Yes, sir.

Q. Mr. Younger, who spoke, was also a republican, I suppose?—A. No, sir; he was a colored man.

Q. A democrat?—A. A democrat.

Q. A colored democrat spoke?—A. Yes, sir.

Q. Half an hour?—A. He spoke much longer than that. He spoke as long as he wanted to.

Q. Did he speak as long as Mr. Chisolm?—A. Yes, sir; they both spoke the same time.

Q. And there was no disorder while they spoke?—A. Not while those two spoke.

Q. And Mr. Chisolm did not reply?—A. No, sir.

Q. And that, as you say, through an apprehension that there might be a disturbance?—A. Yes, sir.

Q. I do not see how you could ever have meetings if the colored

men could not take care of themselves there with a republican sheriff to aid them.—A. We have advised them on all occasions not to come with arms to any political meetings.

Q. And there were no arms at this meeting, I think you said?—A. None at all. Ten or fifteen armed men could have whipped the whole crowd.

Q. Did you see any arms at the meeting at all, at Macon, on either side?

Mr. TELLER. You make him state that there were no arms. He did not state that he did not see any on the other side.

Q. (By Mr. KERNAN.) I ask you if you saw any arms; did you see any armed men there at all at the meeting at Macon?—A. If I did, they were very few.

Q. Did you see any?—A. I think I saw two or three.

Q. What had they?—A. Pistols.

Q. Could you be sure of that even?—A. I could not positively swear that I saw them.

Q. You think you saw two or three men who had pistols?—A. Yes, sir.

Q. And those were all the arms you saw there?—A. I will state further that I was in the crowd but very little; that the registration of the county was going on that day, and I did not attend the meeting at all.

Q. There were a great many colored men there whom you did not see?—A. I do not understand you.

Q. You did not go among the crowd to see the colored men any more than you did to see the white men?—A. No, sir. I state that I saw no arms among the colored men.

Q. And you saw none among the white men, unless, as you say, two or three had pistols?—A. Yes, sir.

Q. You saw no one use a pistol, or threaten to, did you?—A. No, sir.

Q. And you saw no armed club there?—A. No, sir.

Q. And yet you say that somebody or other thought it was dangerous for Mr. Chisolm to speak to that crowd of his friends?—A. Yes, sir.

Q. Lest there might be some riot gotten up and somebody hurt?—A. I can give you what was reported there.

Mr. KERNAN. I do not want that at all. I wanted just the description of that meeting.

By Mr. TELLER:

Q. What is the custom of the whites in your section of the country with reference to the carrying of arms on all occasions?—A. They all have pistols, and carry them always.

Q. When they go away from home you mean?—A. Yes, sir.

Q. You said you could give the Senator the reasons why it was unsafe for Mr. Chisolm to speak; what were the reasons?

Mr. KERNAN. I did not ask for that.

The WITNESS. I will just tell that it was notoriously reported——

Mr. KERNAN. I object to that as hearsay.

(Objection overruled.)

The WITNESS. All through the county that the democrats would not allow Judge Chisolm to speak in the county. The failure to speak at Shuqualak on the day previous was rather an implication that he was not going to be allowed to speak, and at Macon they were anxious for

him to speak, and these precautions were taken in order to keep down any trouble.

Q. (By Mr. TELLER.) State what report came to the republicans, right then and there, after he had made the first speech, which induced him not to make the second speech.—A. That they intended to shoot him if he attempted to speak—to reply. That was the time when they expected to get him. That was what was understood by his friends after he spoke.

Q. You were one of his friends. Did you have reason to apprehend that there was danger, and did you believe that there was?—A. Yes, sir; I did.

Q. And you advised him accordingly?—A. Yes, sir. I did not advise with him that day. He had other friends there who did. I advised him not to speak at Shuqualak. I did not advise him at Macon. There was an immense crowd there.

By Mr. KERNAN:

Q. Shuqualak is in the same county as Macon?—A. Yes, sir.

Q. The same republican sheriff is there?—A. Yes, sir.

Q. And his deputy?—A. Yes, sir.

Q. And they were the people who advised him not to speak, you say?—A. They, in connection with the democrats who were there. I will further state that a citizen of Shuqualak——

Q. [Interposing.] Just answer my question. You seem to be a swift witness on one side. There was no disturbance at Shuqualak that you saw, was there?—A. No, sir.

Q. No riot?—A. No, sir.

Q. How many colored men were there?—A. I suppose there were between 700 and 1,000. I do not know exactly.

Q. How many white men?—A. I suppose about 150 or 200.

Q. Who told you there, at Macon, that the democrats expected to shoot him if he attempted to reply? Who said any such thing to you there that day?—A. I do not know who it came from now.

Q. Do you know that anybody said so, or that any democrat said so? Can you swear to that?—A. I did not hear any democrat say so. I said in my testimony that Judge Chisolm had some friends there who were not known.

Q. We have that already. You heard no democrats say any such thing, did you?—A. No, sir.

Q. You say that whites generally carry pistols in your country? Are they pocket-pistols?—A. A great many of them have large pistols.

Q. When you said that all whites carried pistols, what pistols did you refer to?—A. I do not mean to say that all have pistols exactly alike. I cannot give you a description of the pistols they have.

Q. What kind of pistols do you have in your mind? Do you mean that all whites down there carry large pistols?—A. I mean that a majority of them carry pistols.

Q. I suppose you refer to their daily walks in life. What kind of pistols do they carry?—A. A great many of them have what is known as Ku Klux pistols—No. 3 Smith & Wesson.

Q. All through your southern country it is quite a common habit to carry pistols, is it?—A. Yes, sir.

Q. White republicans and democrats?—A. The white people generally carry them.

WASHINGTON, D. C., *February* 13, 1877.

SAMUEL M. SHELTON sworn and examined.

By Mr. HOOKER, (representing Mr. Kenner:)

Question. Be good enough to state your age, residence, and occupation?—Answer. I am thirty-nine years old; I reside in the city of Vicksburgh, Mississippi, and am by profession a lawyer.

Q. Where did you reside before you removed to Vicksburgh?—A. I resided in the county of Hinds, of which Raymond is the county-seat.

Q. That is the county of the capital?—A. Yes.

Q. How long did you reside there before your removal to Vicksburgh?—A. I resided there from January, 1866.

Q. What time did you move to Vicksburgh?—A. I went to Vicksburgh (merely for the purpose of doing business) in March, 1876, still preserving the residence of my family in Raymond, where I returned every week; in fact, I was more in Raymond than in Vicksburgh during the year 1876, and my family still reside there.

Q. You still continue your practice at both points?—A. Yes, sir; I wish to state that my voting-place is still in the county of Hinds.

By Mr. TELLER:

Q. You vote at Raymond?—A. Yes, sir.

By Mr. HOOKER:

Q. Were you in the county of Hinds during the canvass of 1875–'76?—A. I was, sir; continuously.

Q. Were you there during the year 1874?—A. Yes, sir; I have been there continuously almost from 1866 to the present time.

Q. Will you be good enough to state the character of the conduct of the canvass in 1875 by the democratic party and of that of 1876, and, in reference thereto, what proportion of the colored population of the county of Hinds voted with the democratic party in 1875 and what proportion in 1876?—A. I do not know that I could give you the exact proportion that voted with the democratic party, but it was a very large proportion in both years. The canvass in 1875 on the part of the democrats was very vigorous indeed; and it was the first vigorous canvass that had ever been made by the democrats in Mississippi since reconstruction, with the exception of 1868, when the democrats made some effort to overthrow the constitution which was offered at that time.

Q. And that effort was a successful effort, was it not?—A. Yes, sir.

Q. By what majority in numbers was that constitution defeated?—A. I think about fifteen thousand, if I am not mistaken; I mean in the whole State.

Q. That was in the year 1868?—A. Yes.

Q. From the following year (1869) down to 1874 was there any efficient organization of the democratic party?—A. I may state, sir, that during that time the white people were in a state of complete dismemberment. They had no organization, no unity of action, and in a great many cases persons never came to the polls and never voted. They took no interest in politics whatever.

Q. What gave rise to the organization in 1875 of the democratic party—or, to go back to 1874, what steps were taken by the people which gave rise to a more efficient organization?—A. The examination of our tax-lists will show that there had been a steady increase of the taxes of Mississippi from 1869 to 1874; it had then reached between thirty-six or forty dollars on the thousand. The property was assessed

at a very high valuation, and the whole county became convinced that to submit to that taxation would be ruinous. There were then organized what were known as "tax leagues." In those tax leagues there were both white and black united. They were not political in their character. The democrats and republicans commingled in them for the purpose of reducing the taxes. This created some feeling or excitement, or some desire on the part of the whites to change the government, if possible. We then discovered what we had not known before, or what had not been manifest to us before, that there were a great many colored men in the State, and especially in the county from which I come, (I can only speak of that county,) who were anxious to vote with us; but they told us that they could not do so because we had no organization, we had no place to which they could come, we could afford them no protection against their own race. We also discovered another fact, that there was a factious division among the leaders of the republican party which gave as a hope of succeeding in the canvass. The tax leagues then passed into political clubs, organized through the county. A meeting was called on the 17th of July, 1875, and an executive committee was appointed for the county. That executive committee called a county convention on the 18th of August, 1875, and called a mass-meeting of the citizens. This was very largely attended; I think there were some three or four thousand people.

Q. On the 18th of August, 1875?—A. Yes, sir; and I do not think I exaggerate when I state that there must have been fifteen hundred colored people on the ground on that day participating in the proceedings. The instructions of the executive committee (of which I was a member) to the clubs were to use every means to get colored men into the clubs. In other words, every citizen of the county was appointed a committee-man, with the request to use every argument in his power, and never let an opportunity pass without arguing and presenting to the colored people, in every shape, manner, and form that he could, the reasons why they should co-operate with us. Speakers were appointed or selected by the committee, meetings were held over the entire county, and these speakers were sent there and were requested to use every means in their power. The result was the election of 1875.

Q. Were you much over the county during the canvass of 1875?—A. I suppose, sir, that I was going the whole time. I think from August to November I gave up my professional business entirely and gave my whole time to the canvass.

Q. What was the complexion of the speeches made by the democrats who addressed the people, whether appointed by your committee or otherwise, (if you heard them,) at various points in the county?—A. I think I can give you a short summary of a part of the arguments made at that time.

Mr. TELLER. Be as brief as possible about it. You can state whether it was aggressive, violent, or persuasive.

Mr. HOOKER. I meant as to the appeals made to the colored people, whether they were arguments of force or of persuasion, or what?—A. The appeals made were to the reason of the colored men—stating how the taxation of the country was, and the trouble that we were in; the division of the races; the possible and even probable separation growing up between the two races, and the unkind feelings growing up therefrom which would be injurious to both races.

By Mr. HOOKER:

Q. What number of the colored people united with the democratic clubs during that canvass of 1875—referring now to the various precincts

of the county, especially to the lower portion of the county?—A. The colored people, before the election, had come into the clubs—at least three-quarters of them.

Q. In 1875?—A. In 1875. Some that joined the clubs changed their minds afterward and voted the republican ticket.

Q. How was it with the large masses of them?—A. The large masses remained true to their pledge and voted with the democracy.

Q. Do you remember what is the relative proportion of white and black people in the county of Hinds?—A. The voting population, my recollection is—I cannot state it accurately, but I will state my impression of it—I think it is 2,500 votes, and I think the whole registration of the last year came up to 7,000.

Q. What was the relative vote of the last year with the year previous, 1875?—A. The colored vote in 1876 in Hinds County was, I think, a larger one for the democrats than in 1875.

Q Do you recollect what is the registered vote in the congressional district in which the county of Hinds is embraced?—A. I do not, sir. My impression is, though, that in that district, taking it altogether, the white vote would exceed the colored vote, because it included those lower counties.

Mr. TELLER. What district is this?

Mr. HOOKER. In the fifth district of Mississippi. (To the witness.)

Q. Now proceed to the canvass of 1876 and state briefly what was the character of that canvass as made by the democratic party. State where you were and what were your opportunities of knowing.—A. I was not a member of the committee in 1876, but I was all through Hinds during that time. The canvass was not as vigorous as it was in 1875 on the part of the whites. The colored population came into the clubs much more readily in 1876 than in 1875, and, in fact, I heard a great many of them claiming that the whites did not seem to be taking that interest in the matter that they had expected. Almost immediately after the clubs were formed in 1876 the colored people came in and joined them, and there was no trouble, and there was but little argument. They seemed to have identified themselves with the democratic party.

Q. What was the proportion which joined the democratic club in the town of Raymond, for instance, your old county-seat?—A. As compared with 1875?

Q. Yes.—A. Well, sir, it was at least one-quarter more in 1875.

Q. What proportion of the voting colored population at that point joined the democratic clubs and voted the democratic ticket?—A. In 1876?

Q. Yes.—A. Three-quarters, I reckon. I do not say that three-quarters joined the club, but three-quarters voted with the democratic party in 1876, on election-day, that had not voted previously with them.

Q. How was it at Utica, Cayuga, and Edwards?—A. At Utica—I speak from information—the vote was almost unanimous. The same thing is true of Auburn. What the proportion was at Edwards I do not know.

Q. Were you present at Raymond on the 19th of August, when a large mass meeting assembled there?—A. Yes, sir.

Q. You were there on that day?—A. Yes, sir; I was present.

By Mr. TELLER:

Q. Eighteen hundred and seventy-six, you are speaking of now?—A. Yes, sir.

Mr. HOOKER. He had previously spoken of one in 1875, which occurred on the same day in the same month. [To the witness.] Tell about the number of people that were there collected, and what proportion of them were colored people, and what proportion of those colored people marched in the processions with the democratic clubs.—A. I heard the numbers variously estimated. Of course I can only give you my information of the number. I think that there were not less than seven thousand people present on that day. It was a larger crowd than that in 1875. I do not think that I exceed the truth when I state that of that number there must have been from fifteen hundred to two thousand colored people in the procession that day. I noticed that nearly every club had a very large number of colored people.

By Mr. HOOKER:

Q. Were they the bearers of the banners of the club in that procession?—A. Yes; and had on the uniform of the club.

Q. Did they participate with cheerfulness and alacrity in the meeting?—A. Well, sir, their shouts were even louder than those of the whites, and they seemed to enjoy the occasion very hugely. I suppose it is in the nature of that people to enjoy such occasions.

Q. Who addressed the audience on that occasion?—A. I think that Major Barksdale was the principal speaker, and the elector for the district, Mr. Miller—R. N. Miller.

Q. The congressional elector?—A. Yes.

Q. He also addressed the meeting?—A. Yes, sir.

Q. In the course of your journeys through the county in 1875 and 1876, state, if you please, whether any addresses were made by colored orators on the democratic side.—A. I heard several.

Q. At what points?—A. I heard them, I think, at Utica. I don't know but what I heard them at Raymond, and I think I heard them at Edwards.

Q. That is, during the canvass of 1876?—A. Yes, sir; I speak from my recollection merely as to the points at which I heard them. I may be mistaken, but that I heard them I am certain.

Q. Were you present at a meeting of the democratic clubs of Hinds County, at Raymond, in 1876?—A. I was present at a meeting held in the Masonic hall at Raymond, composed of the executive committee and presidents of the clubs, which, I think, occurred on the Monday a week before the Monday immediately preceding the election. The election occurred on Tuesday, and this occurred on the Monday week previous. That is my recollection of the time.

Q. That was the occasion of the assemblage of the presidents of the democratic clubs?—A. With the executive committee.

Q. Are you acquainted with a gentleman by the name of James T. Lester?—A. I never saw him until last fall, when he was registering. I met him then, and have a speaking acquaintance with him; that is all. I say I never saw him; I never saw him to know him. He was one of the democratic registrars of the voting and registration in Hinds last year.

Q. Who were the others?—A. Mr. Parsons, of Trigrove, and a colored man by the name of Snead, of Perry, Mississippi.

Q. Which of these was the democratic registrar and which the republican?—A. Snead was a republican. The other two, I believe, were considered democrats.

Q. Who was the president of the board of registration, or did they have any?—A. My impression is that Lester acted as president, or was president.

Q. Is Snead, this colored man, a man of intelligence and capacity?—A. Yes; he is a practicing lawyer, and I have always regarded him as a very intelligent colored man.

Q. And devoted to his party, is he not?—A. I think so.

Q. Was he present during the registration throughout the county, and did he act with the board?—A. I can only speak of Raymond. He was at Raymond. I was not present on any other occasion.

Q. On the occasion of the assemblage of the executive committee and the presidents of the clubs, was Mr. James T. Lester present at any time in the Masonic hall when you held the meeting?—A. If he was, I did not see him, and I was there from the beginning to the end of it.

Mr. TELLER. He swore he was not present.

Mr. HOOKER. I know he did. I merely want to prove it affirmatively by this witness. [To the witness.] Do you know a gentleman by the name of Horace Barksdale?—A. Yes, sir.

Q. (By Mr. HOOKER.) Was he present then?—A. Yes; he was present.

Q. Were you present during the entire time of that meeting?—A. I was summoned there by the chairman of the executive committee, with the request to be present. I was there when the meeting opened, and I was there, I think, until the meeting closed. I don't remember to have been out of the hall during the progress of the meeting.

Q. During the time of this meeting was there anything said there by Mr. Horace Barksdale or by anybody else with reference to having a double set of boxes and double keys at the voting-precincts of Hinds County?—A. I didn't hear it if there was.

Q. How many persons were present at that meeting?—A. I believe that there were the representatives of some fifteen clubs, the president of those clubs, and I think that nearly all the executive committee was there. I do not remember of how many the executive committee was composed.

Q. It was not a very large assemblage?—A. It was not more than twenty-five or thirty. I think twenty-five or thirty would cover all the people in the room, sir. That would have been the average attendance.

Q. You were there during the whole time?—A. Yes.

Q. If such a proposition as that had been made in that meeting by anybody, would you not have been likely to have heard it?—A. I think I would, sir. A proposition of that kind would have been of a character to attract the attention of everybody, I should think.

Q. Did you ever hear of any such thing in the county of Hinds?—A. Not until I heard of Mr. Lester's testimony.

Q. That gave you the first information you had on that subject?—A. Yes, sir.

Q. Were you at Raymond on the day of the balloting in 1876?—A. Yes, sir.

Q. Was the election quiet and peaceable, or otherwise?—A. Perfectly peaceable. I didn't observe any disturbance of any kind.

Q. Was there any undue influence brought to bear upon the colored people to get them to join the democratic party?—A. None; no influence except the hardest kind of talking that any set of men ever did in the world. I think I talked myself hoarse before night.

Q. Did these colored people who joined the clubs vote the ticket freely and voluntarily?—A. Yes, sir.

Q. Are you aware of the fact whether they made any exertions to induce others of their race to vote that ticket also?—A. There was one man in Hinds County in 1875 whose efforts were so great that the

clubs made him a present of a gold-headed cane in recognition of his conduct. In 1876 he was equally efficient. There were a great many others. These colored men of whom I speak are land-owners in the county. The men that I have now in my mind's eye are Welldon Hicks and Andy Miller.

Q. Are you familiar with the manner in which the colored voters were identified with the republican clubs, held in them, prior to the election of 1875?—A. I am only familiar from their statements.

Q. Do you know a colored man by the name of Ned Hill, a republican, who lives at Raymond?—A. Yes, very well.

Q. He has been a republican all the time?—A. Yes.

Q. And is one now?—A. Yes.

Q. He voted the republican ticket at the last election?—A. Yes.

Q. Did you hear him say why he considered it his duty to vote the republican ticket rather than the democratic ticket?—A. I did not hear him say so myself, but I heard what he said upon the subject.

Mr. TELLER. It will hardly be worth while to state what you heard said.

By Mr. HOOKER:

Q. How long did this meeting of the presidents of the clubs continue?—A. I think it began about ten o'clock and got through between two and three in the afternoon, perhaps later.

Q. And you say that no such proposition was made in your hearing?—A. None that I heard. The object of the meeting, as I understood it, was to call together the presidents, and learn from them the condition of the clubs, the number of colored men in the clubs, the probable number who would vote with the democratic party in the county, and to consult generally as to the condition of the county.

Q. And they were there from every precinct in the county, were they?—A. Yes, sir.

Q. You stated, I believe, that you did not know anything about these Rays until you saw Mr. Lester's testimony?—A. No; I did not.

Q. Was Mr. Snead present as one of the judges of election at Raymond?—A. I think he was.

Q. Mr. Lester was there, too, was he?—A. Yes.

Q. And the other registrar?—A. Yes.

Q. What is his name?—A. Parsons.

Q. Was the election peaceable and quiet?—A. Yes; I stated that it was.

Q. Do you know of any disorders occurring in the county anywhere during that election of 1876, or during the canvass?—A. I can't say that I now remember any.

Q. The object of this meeting, then, was to consult all together as to what was the exact condition of the county, and as to the best mode of carrying the election?—A. The object of the executive committee, as I understood it from the chair, was to get the presidents of the clubs together, and learn what the voting strength was of the different clubs, and learn also the number of colored people that were co-operating with the different clubs, and to determine upon the best plan for conducting matters on the day of election.

Q. What was the character of the persons constituting the presidents of the clubs?—A. I don't know that I was ever in a meeting composed of better material than that meeting was. The chairman of the executive committee (almost every one from Hinds County, I think, will bear testimony to the fact) are as pure a set of Christian gentlemen as any living.

Q. Who was the chairman of the executive committee?—A. Captain Ratliffe.

Q. What proportion of the registered colored vote at Raymond would you say voted the democratic ticket in the last elections?—A. Well, sir, I should say that two-thirds of them did.

Q. How was it in the county at large in all the precincts?—A. Very much the same thing.

Q. Are there any other facts connected with the conduct of the canvass of 1875 or 1876, either with reference to their fairness or unfairness, which you consider necessary to state, as you are bound to tell the truth, and the whole truth, in this matter?—A. I do not know, sir, that I could give any fuller statement than I have.

Q. You state that your present residence is Vicksburgh, Warren County?—A. My place of business is Vicksburgh; my voting-place is Hinds County.

Q. Do you know anything about the canvass there last year?—A. I do not. I took no part in it then. The only canvass I took part in was in Hinds County.

By Mr. TELLER:

Q. You had lived in Hinds County for a number of years?—A. I had been there from 1866. I was there about 18 months before the war.

Q. You have been practicing law?—A. Yes.

Q. You were in the confederate army?—A. Yes.

Q. And returned again to Hinds County after the war was over?—A. I returned on the 1st of January, 1866.

Q. And have been engaged in the practice of the law ever since?—A. Yes.

Q. You say the democrats, after 1868, made no contest for political supremacy until 1875?—A. Yes; I know of none that amounted to anything.

Q. And they went into an investigation of the taxes then?—A. Yes, sir; in 1874. Now I did not intend by that to say that there were no conventions held on the subject. I believe there were, but what I meant to say was that they took no interest in politics.

Q. They always ran a ticket, did they not, every year?—A. I believe they did, but there was no voting, or the majority of them did not vote.

Q. There was no concerted effort made?—A. None at all.

Q. They carried on the campaign, however, by public speeches every year to some extent, did they not?—A. I think there were public speeches made.

Q. They had democratic newspapers?—A. Yes.

Q. And supported the democratic party as they have since, did they not?—A. Yes; but I mean to say that there was no real organization among the people.

Q. In what respect did the campaign of 1875 differ from that of 1872?—A. It differed in this respect: In 1872 the people staid at home, and on election-day those that were disposed to cast their votes cast them, but they took but little or no part in public meetings, either republican or democratic. In 1875, the whole people were awake. They gathered at the political meetings and attended them in full force, and every man considered himself a committee-man to work among the people.

Q. Do you know the difference between the votes of 1872 and 1875?—A. I do not. I took no interest in political matters in 1875.

Q. You are not prepared to say, then, whether it was greater or less?—A. No, sir.

Q. What were the politics of the county previous to 1875, and since emancipation?—A. It went decidedly republican, sir, all the time.

Q. By about what majority?—A. I don't remember. I know it was republican.

Q. You think the registered vote is about 7,000 in the county?—A. That is my impression. I may be wrong.

Q. Of which 4,500 is colored?—A. I expect it is, sir.

Q. And 2,500 white?—A. Yes.

Q. What was the majority in 1875 of the democrats in the county of Hinds?—A. I think it was a little over 1,600.

Q. What was it in 1876?—A. I think it was a little over 3,000.

Q. What number of republican votes were cast in 1876 in Hinds County?—A. I do not know that.

Q. You can't tell that?—A. No, sir.

Q. At what time did the campaign commence in 1875?—A. The campaign proper opened about July, 1875.

Q. Opened by the democrats?—A. Yes.

Q. At what time did the republicans open their campaign in 1875?—A. I really cannot remember; but I think it was a little earlier.

Q. Where was the first republican meeting held in 1875 in that county?—A. The first I knew anything about, I think, was in Raymond.

Q. At what time was that held?—A. I cannot now remember, but I know it was before the democratic meeting of July. I remember Judge Brown, the judge of our district, making a speech there.

Q. Is Judge Brown a republican?—A. Yes.

Q. Where was the next republican meeting in Hinds County held?—A. I do not know. That is the only one that I attended.

Q. Was there any other republican meeting held that you know of, during the campaign of 1875?—A. Yes.

Q. Where?—A. I think there was a very large meeting held at Clinton.

Q. When was that Clinton meeting?—A. That was on the 4th of September, 1875.

Q. Was that the meeting where the Clinton riot took place?—A. Yes, sir.

Q. Were you present?—A. I was not.

Q. That, you think, was the 4th of September?—A. I know it was the 4th of September, 1875.

Q. Was there any other republican meeting held after that?—A. There was a republican meeting on the same day, at Utica. There was a republican meeting advertised, and quite a number came from the adjoining parts to Utica.

Q. After the Clinton riot, was there any other republican meeting held in Clinton County?—A. I do not remember that there was.

Q. Do you not know that there was not?—A. No, I do not know it. I do not know that there was not; but I can simply say that I can remember that there was, as I told you, a republican meeting held at Raymond, and I believe at Utica; but the meeting at Raymond was the only one that I attended.

Q. There were some colored people killed at Clinton?—A. Yes.

Q. Do you know how many?—A. There were three whites, and I think four or five colored people, whose bodies were found.

Q. Were any killed immediately or within a few days after that—any colored people that you know of?—A. None that I know.

Q. Did you hear of any?—A. I heard rumors that some colored people were killed, but some of those that I heard were killed I saw afterward.

Q. Then you do not know that any were killed after that?—A. Not to my knowledge.

Q. At what point was it that rumor said they had been killed?—A. Well, I heard rumors that a man had been killed between Raymond and Clinton, near Snake Creek.

Q. How far is Raymond from Clinton?—A. Eight miles southwest from Clinton.

Q. You were not present at Clinton?—A. No.

Q. Do you know whether the democratic clubs from your section were present there at the time of the riot?—A. They were not. There was no club organization. There were a few whites that were there, but there was no club organization.

Q. Do you know whether there was any military organization?—A. Not that I am aware of.

Q. Were there any military organizations in 1875 in Hinds County?—A. Nothing but the clubs. They were not military at all. They were political organizations.

Q. Were any of them armed?—A. Every citizen of the county nearly was armed in 1875.

Q. Do you not know—is it not a fact, that in 1875 all the democratic clubs in your county were armed—not simply as citizens, but is it not a fact that they were armed clubs, in the proper sense of the term?—A. No, sir; there was no military organization.

Q. I did not ask you whether there was any "military organization." I asked you whether these clubs were not armed clubs—whether they were not armed in the proper sense of the term?—A. Well, sir, the most of them were all armed, but at their individual expense.

Q. What arms were they armed with?—A. They were armed with shot-guns and with pistols and with these rifles. I have forgotten the name of them—the Winchester, I believe; some of them had them.

Q. Was there any rule of your clubs as to what the arms should be?—A. None at all.

Q. Was there a rule that every man should have arms of some kind?—A. It was suggested. There was no rule.

Q. Was that not in the by-laws?—A. No, sir.

Q. Are you sure?—A. I am perfectly certain. I never heard it.

Q. How was it suggested?—A. By persons speaking to us.

Q. It was not suggested in the club meeting?—A. No, sir; I do not remember that it was. At least I never heard it.

Q. But every man had some arms?—A. I did not say that every member had arms; I say that the majority of them had.

Q. Do you not know that they all had?—A. Well, for myself, I had a shot-gun that I had had for four years, and I had a pistol that I had had also some time.

Q. Did you attend these meetings with your shot-gun?—A. No, sir; I never had a shot-gun on my shoulder during these times.

Q. Did you attend these meetings with your pistol?—A. No, sir; when I went from home I always had my pistol, as I have now when I am going through cities or anything of that kind.

Q. Was it not a common thing for those persons to meet in clubs with shot-guns and pistols?—A. No, sir; they came with their pistols. That you will see in Mississippi now.

Q. Were those clubs mounted?—A. Some of them were mounted and some not.

Q. What proportion were mounted?—A. It was principally the gentlemen from the country who had horses that were able to be mounted. The men from the towns were not able to be mounted, because generally they did not have horses.

Q. I understood you to say that you knew of no disturbance during that campaign of 1875?—A. No, sir; you did not understand me to say that.

Q. That is what I understood you to say.—A. Eighteen hundred and seventy-six, I said, sir.

Q. Then you did know of some in 1875?—A. The Clinton riot I heard of.

Q. Was there any other disturbance that you heard of?—A. I cannot remember to any extent.

Q. No matter about the extent. We will see about that afterward. Was there any disturbance in 1875?—A. I do not remember of any. There may have been fights through the county, but I cannot designate any particular one at that time; I do not know.

Q. You do not know that there was any disturbance in the county, except the Clinton riot?—A. I do not remember any except that. I state to you again there may have been personal difficulties throughout the county. I do not know about that.

Q. That was on the 4th of September, 1875?—A. Yes, sir.

Q. Do you know of any republicans being driven out of your county?—A. I knew of republicans leaving the county. I cannot say that they were driven out.

Q. How many left the county during the campaign of 1875? I do not mean those who left in the ordinary way, nor men who naturally emigrated.

Mr. HOOKER. Are you speaking of colored people, Senator?

Mr. TELLER. I am speaking of republicans without regard to color.

A. I do not know. The republican chancery clerk remained in the county all the way through.

By Mr. TELLER:

Q. I did not ask you as to who remained in the county. I asked you as to who went out?—A. Well, William Johnson went to Jackson. That is in the county, but Jackson was the seat of government.

Q. Where does he reside?—A. At Raymond.

Q. He left Raymond and went to Jackson?—A. Yes, sir; at least he never came back to Raymond after the Clinton riot of 1875.

Q. He went down there on account of the difficulty at Raymond, did he not?—A. No, sir; on account of the Clinton riot he left there, I think.

Q. What office did Johnson hold, if any?—A. He didn't hold any office.

Q. Was he a white man?—A. No, sir; a colored man.

Q. He went down to Jackson, and remained there for some time?—A. Yes.

Q. Well, who else went there?—A. I think a young man by the name of Caldwell, a son of Charles Caldwell, from Clinton.

Q. Is he white or black?—A. He is a colored man; also a man by the name of Eugene Wilburn left.

Q. Who else?—A. I do not remember others.

Q. Were those men leading republicans in that county?—A. Mr. Johnson was.

Q. How about the others?—A. I do not know about the others. The others had never held any office, and had not been recognized as prominent republicans, I think. Caldwell was a son of a republican senator.

Q. Wilburn was a member of the republican legislature, was he not?—A. By the by, I think he was, now that you mention it. I forgot that.

Q. They went down there right after the Clinton riot?—A. Yes.

Q. Why?—A. I suppose on account of the excitement in the county.

Q. You know that, do you not?—A. I presume so.

Q. You took some hand in that excitement yourself, did you not?—A. I did not, sir.

Q. Had you nothing to do with these men going off?—A. Nothing in the world.

Q. Had nothing to do with any republican leaving the county?—A. I did not, sir. I can conscientiously say that, on the contrary, I attempted to allay the excitement wherever it was.

Q. Did you send to Mr. George, the chairman of the democratic State central committee, the following dispatch from Clinton on the 6th of September:

CLINTON, *September* 6, 1875.

General J. Z. GEORGE:

There can be no peace in Hinds County while the radical leaders are at large. We are fully prepared to meet the issue, and accept no terms which do not embrace the surrender or removal of those leaders from the county. We do not recognize the Ames government, but will have no conflict with the Federal authorities.

S. M. SHELTON,
For the Executive Committee of the County.

A. Yes, sir; I was directed to send that dispatch.

Q. What did you mean by saying that there can be no peace in Hinds County "while the radical leaders are at large"?—A. I meant this: that while those who had participated in the Clinton riot, the leaders, and those who had been supposed to have taken part in that difficulty, and in the killing of white men, were around unmolested, it would be impossible to allay the excitement in Hinds County.

Q. What do you mean by "at large?"—A. I mean that the people wanted them surrendered to the authorities for punishment.

Q. Where were they?—A. At Jackson.

Q. Who were they?—A. There was Wilburn, and the two Caldwells, and a man by the name of Wade Walker. That is all that I now remember.

Q. Were there any others?—A. There was a man living not far from Raymond, a very large negro, I have forgotten his name.

Q. Had he been at Clinton?—A. He was at Clinton.

Q. Was Mr. Johnson included in this?—A. No, sir; he was at Clinton, but I never believed that Johnson had anything to do with the riot.

Q. But you say "while the radical leaders are at large"?—A. I sent the dispatch under directions. I considered that it referred to those parties. Those were my instructions.

Q. Do you know this gentleman here? [Indicating a gentleman on his left.]

The WITNESS. General McKee?

Mr. TELLER. Yes.

A. I do, sir.

Q. (By Mr. TELLER.) Was he in Hinds County at that time?—A. I presume so.

Q. Was he one of the men you considered a "leader" of the radical party?—A. I simply did not refer to General McKee.

Q. Answer my question. Was he considered a leader of the republican party?—A. He was a leader of the republican party, but not one of the men referred to in that dispatch.

Q. You did not specially mean him in that dispatch?—A. I have stated who I meant.

Q. Is that all you meant?—A. Yes; at least those were all that I was instructed to refer to.

Q. You say, "We are fully prepared to meet the issue."—A. My instructions were that we were fully prepared to stand by the authorities in punishing these parties that we considered had been guilty of murder.

Q. That is the "issue" you meant?—A. Yes, sir; that I all I mean.

Q. You say, "and accept no terms which do not embrace the surrender or removal of those leaders from the county." What did you mean by that?—A. I meant that unless they were surrendered to the authorities they must be got out of the county; that the excitement could not be allayed while they were at large in the county.

Q. That was from the democratic executive committee?—A. Yes.

Q. You did not represent it to the public authorities?—A. No, sir.

Q. You did not recognize the Ames government at all?—A. Well, sir, at that time the feeling was so intense——

Q. [Interposing.] Answer my question. Did you, or did you not, recognize the Ames government?—A. We recognized it as the *de facto* government of the State.

Q. You say in this dispatch, "We do not recognize the Ames government."—A. I stated truly.

Q. You did not recognize the officials appointed by the Ames government?—A. Yes.

Q. Then did you not recognize the Ames government as the government of the State?—A. We had never been treated as citizens of the government; at least we so considered it, and we did not consider it the rightful government of the State.

Q. You continue in the dispatch, "but will have no conflict with the Federal authorities." Is not that a statement in substance that it was intended there should be a conflict with the State government?—A. No, sir.

Q. Had Governor Ames made a call for the militia at that time?—A. I do not remember that he had, sir; I think the call came subsequently.

Q. He had not done anything at all?—A. I think not.

Q. Then what was the necessity in which you would not recognize the Ames government?—A. That was what we were complaining of—that they had done nothing whatever.

Q. What was the object in saying that you would not recognize the Ames government, if the government had done nothing?—A. I do not know what was the object. We simply meant to say that these men must be secured if possible.

Q. Did you expect any interference by the Federal authorities at this time?—A. We did not know. We knew that this riot had occurred and that the parties had gone to Jackson and were making reports, and we did not know what might be the result.

Q. In substance you telegraphed General George that while you would not regard the Ames government, nor anything which it did, you would pay a wholesome respect to the United States troops?—A. We would submit to the United States troops, whatever orders they might have.

Q. The sole object was in order to punish these men, as you thought?—A. To bring those men to justice or to get them out of the county.

Q. Is General George the general conservator of the peace in Missis-

sippi, or was he at that time?—A. No, sir; he was simply the chairman of the executive committee of the State.

Q. Of the democratic party?—A. Yes, sir.

Q. Did you telegraph the governor *de facto* or otherwise?—A. I suppose I might have done that, but——

Q. I asked you simply whether you did or did not?—A. I did not.

Q. Did your committee, to your knowledge, telegraph him?—A. Not that I am aware of.

Q. Was there a sheriff of that county at that time?—A. Yes.

Q. What was his politics?—A. Republican.

Q. Did you make any application to him?—A. I made application to a deputy of his at Raymond to have these parties arrested, and he did nothing of the kind.

Q. Did you make any to the sheriff?—A. The sheriff was at Edwards, and I could not communicate with him.

Q. Was there a telegraph line to Edwards?—A. Yes

Q. Did you telegraph there?—A. I did not.

Q. Where did General George reside?—A. He resided at Jackson.

Q. You could have telegraphed to the sheriff with the same ease that you telegraphed to General George, could you not?—A. I could have done that, but Raymond was the county-seat, and it was there the sheriff's office was, and there he had his principal deputy, and there I made the application on the 5th day of September, and I did it for the purpose of allaying the exitement.

Q. You never anticipated the Federal troops would come, you said?—A. We did anticipate it.

Q. Why did you anticipate it?—A. Well, we did not know. We knew that the Federal troops had been sent everywhere where there had been any disturbance at the South; and knowing that this disturbance had occurred, and that rumors were carried to Jackson, we expected Federal troops.

Q. Did the radical leaders leave the county?—A. All except Wade Walker, who came back and remained at his house. He was killed, however, in 1875, by a colored man.

Q. Then there was peace after the radical leaders left the county?—A. Yes, the county was perfectly quiet, so far as I know.

Q. Did you know W. H. Bell?—A. He was registrar in 1875, I believe.

Q. What are his politics?—A. He is a republican.

Q. Where does he reside?—A. I think Clinton was the place of his residence, Hinds County.

Q. Did he have any trouble while he was registrar; did he leave Clinton?—A. Not that I know of. I do not know of any trouble that he had.

Q. How far is Clinton from where you live?—A. Eight miles.

Q. You sent this dispatch to General George from Clinton, did you?—A. Yes.

Q. You were not present at the riot, but you were down there on the 6th?—A. Yes; I was down there on the 7th and 8th, taking testimony about the riot.

Q. You say Mr. Bell had no trouble at all to carry on the business of his office?—A. I simply said that if he did I did not know it.

Q. Never heard of it?—A. No.

Q. Did he remain at Clinton all the time?—A. I think he left there after February.

Q. Where did he go?—A. I think he went to Jackson, but came back.

Q. Came back of his own accord, did he?—A. I think a committee was sent to invite him to come back and participate in the registration.

Q. But you sent this dispatch to General George on the 6th of September, 1875?

CLINTON, MISS., *September* 6, 1875.

GENERAL J. Z. GEORGE: Committee of ten to escort W. H. Bell to Raymond, to open registration. His safety is pledged. Will he come? Answer at once.

S. M. SHELTON,
Chairman.

A. Yes, sir.

Q. Had Bell had anything to do with the Clinton riot?—A. I had not heard anything of it, but he had left Clinton and gone to Jackson; and we heard that he would not come back. The meeting appointed this committee to go up and assure him of safety.

Q. Why would he not come?—A. I do not know.

Q. Do you not know that he knew it was not safe for him to come, as long as he had not the protection of the democratic club?—A. No, sir, I do not know it.

Q. But you selected ten members of the democratic club to assure his safety?—A. Yes, sir; I think there were some colored men in the delegation. I do not remember about that.

Q. Did he come with that committee?—A. He did not meet us. I do not know whether he came to Raymond or not; but I think he was in the registration afterward. Will you permit me to state why that committee was sent?

Mr. TELLER. Yes, sir.

The WITNESS. On the morning of the day that the registration was begun there, Judge Alcorn, of Jackson, came to town, and was the only member of the board of registration who was present. He was a republican. We were very anxious to have it go on, and the meeting appointed this committee to go and assure Mr. Bell of his perfect safety if he would come down and conduct the registration—not that we deemed it necessary for his protection, but simply to allay any fears that he might have.

Q. In the first place you refused to let Bell come there?—A. No, sir.

Q. Did anybody ever make any objection to his coming?—A. I never heard of any.

Q. Is it not a fact that you objected to it until some prominent democrat consented to his coming, and that he would answer for his good behavior?—A. No, sir.

Q. Do you know Dr. Kells?—A. Dr. Kells lives in Jackson. I know him.

Q. Is he a democrat?—A. I think he is.

Q. Did you ever hear anything about his guaranteeing that this man would behave himself if he were allowed to come back?—A. I never did, but I know that there was no discussion about the matter at all. As soon as Judge Alcorn said that he would not come back, the proposition was made that a committee be appointed.

Q. What did General George say?—A. I do not know.

Q. Did you receive from General George a dispatch dated Jackson, September the 6th, reading as follows?

JACKSON, *September* 6, 1875.

S. M. SHELTON, CLINTON, MISS.: Dr. Kells will answer as to Bell. Be prudent in all you do. Allow no advantage to the enemy. Use as much forbearance as possible. Federal authority will be invoked against you.

J. Z. GEORGE.

A. Since reading that dispatch, I believe we did receive it, but when you asked me the question I did not remember it.

Q. Somebody did vouch for Bell, then?—A. I suppose so.

Q. Then you sent him that dispatch?—A. No, sir; the dispatch had been sent previously.

Q. Are you sure of that?—A. Yes, sir.

Q. They are of the same date, are they not?—A. Yes; but while at first I did not remember that dispatch, I now do remember it, and I remember that the other dispatch was sent as soon as we reached Clinton—the very first thing we did; and I think that this dispatch came as a reply.

Q. How long did you remain at Clinton?—A. I remained at Clinton that day, I think, three or four hours, waiting for the reply.

Q. Your whole correspondence was with the president of the democratic executive committee?—A. Yes.

Q. And not with the State authorities or officials at all?—A. No, except, as I told you, the request to the deputy sheriff to allay the excitement and make arrests.

Q. At the time you were at Clinton were any of these democratic clubs present there?—A. I think I saw a body of men come in there that day.

Q. What day?—A. That was the day that that dispatch was sent.

Q. On the 6th?—A. Yes.

Q. Was that the day you got there?—A. Yes.

Q. You did not get down there until the 6th?—A. No, sir.

Q. What number of men came into Clinton that day?—A. I do not know that I could give you the number.

Q. You can approximate it.—A. I reckon there were fifty or seventy-five.

Q. How many had got in there before the 5th?—A. I do not know.

Q. You know the fact that a good many went on the 5th?—A. I know this: I heard that there was quite a number.

Q. What time did your Raymond club come down?—A. They did not come at all; a few men went down.

Q. How many men?—A. I do not know; I was at Utica that day and did not get home until late at night.

Q. Were they armed or unarmed?—A. I do not know; I saw none of them leave there at all.

Q. In whose charge did they come down?—A. I do not know; I don't think they were in anybody's charge.

Q. Did you see any of them there when you were there on the 6th?

The WITNESS. Any of the Raymond men?

Mr. TELLER. Yes, sir.

A. No, sir; if I did, I do not remember it.

Q. That was in 1875?—A. Yes.

Q. Do you not know that after the riot at Clinton your committee issued a sort of protection-paper, which you passed around among republicans, saying that such a republican would do to allow to live in the county, or some paper of which that was the import?—A. No, sir.

Q. Did you furnish anything of the kind?—A. The committee did not at all.

Q. Did the chairman of the committee?—A. I do not know; I heard something of the kind, but I never saw any of them. It was not done by the action of the committee.

Q. You were chairman, were you not?—A. No, sir; Mr. Gillespie was chairman.

Q. You signed the dispatch as chairman?—A. That was as the chairman of the committee of ten.

Q. You know it as a fact that Mr. Gillespie did do it?—A. No, sir; I do not.

Q. You heard it at the time?—A. Some weeks or months later I heard of somebody laughing about a paper that he said had been signed by Mr. Gillespie, but I never saw it and never knew its contents. My impression is that I heard Mr. Lake, of Jackson, the editor of a paper, laughing about some paper that had been issued by Mr. Gillespie.

Q. Do you not know that other persons there issued similar passes?—A. I do not.

Q. Do you know a Mr. Wells there?—A. Yes.

Q. I do not know whether you would call the paper a pass, but something in the nature of a protection. Did you not hear that Mr. Wells issued such papers?—A. No, sir; the only paper I heard of was that that Mr. Gillespie issued.

Q. You say that there was no disturbance that you heard of?—A. None there in 1875.

Q. You think that three-quarters of the democratic voters in the county joined the democratic club in 1876?—A. I did not say in 1876. I said 1875, or I meant 1875.

Q. What proportion of them joined the democratic club in 1875?—A. I think at least a half of them, sir.

Q. You say, however, they did not all, when the time came, vote the democratic ticket?—A. The majority of them did. Some few did not. I remember one in Raymond who joined the club, but afterward voted the republican ticket.

Q. Were your clubs in the habit of attending meetings in the different sections?—A. Democratic meetings; yes, sir.

Q. How did they go to these democratic meetings?—A. They went in procession. Frequently they had bands of music with them, and had these small cannon to make noises, &c.

Q. Were they armed?—A. No, sir.

Q. They never carried their pistols when they went?—A. They carried their pistols; as I remarked, nearly every man in Mississippi carries a pistol.

Q. Did you never see any rifles or shot-guns there?—A. I never did at these meetings.

Q. But they had a cannon?—A. Yes; a cannon loaded with powder; that was all.

Q. Did you ever participate in any political contest previous to this in the State of Mississippi?—A. No, sir; I never did.

Q. Have you no recollection of any campaign previous to that time?—A. I went to Mississippi in September, 1859, from Virginia.

Q. Were you in Mississippi in 1860 during the election?—A. Yes.

Q. Do you remember during that campaign of 1860 seeing any cannon at any political meetings?—A. I don't remember whether I did or not.

Q. Did you ever in your life see a cannon at a political meeting until 1875, in the State of Virginia or anywhere else?—A. I remember this: (I never did in Virginia.) I think I did see an old cannon kept there at Raymond in 1860, if I recollect right, which was fired off on some occasions. I was then a student, and did not take particular notice of political campaigns.

Q. Did you ever see that cannon used in the campaign of 1860?—A. I do not remember that I did. I never was out of Raymond in that campaign.

Q. How many pieces of artillery did you have in the county of Hinds during the campaign of 1875?—A. I reckon that most of the clubs had a piece of artillery.

Q. How many clubs were there—fifteen, I believe you said?—A. Yes; I believe so. I said most of the clubs. I know that there were some that had not.

Q. Say how many of them.—A. Not more than half of the clubs, I should say.

Q. Would you say seven or eight?—A. They were little bits of things.

Q. How big?—A. Quite small.

Q. You have been in the army and you know their size; you know whether they are five-pounders or ten-pounders: you can give the military size of them.—A. I think the piece of artillery at Edwards's was about a four-pounder. I don't know that it was any larger.

Q. What was the size of the one at Raymond?—A. It was a little bit of a thing.

Q. Give the military size?—A. I can't give you the military size, because it was made at Raymond by a blacksmith.

Q. How was it mounted?—A. On two wooden wheels and an axle.

Q. How was it hauled?—A. It was hauled by hand.

Q. Were any of them hauled by horses?—A. I think that the one at Edwards's was.

Q. When were these cannons procured?—A. In 1875, most of them, I think.

Q. At what time?—A. During the canvass, at different times; most of them between the 4th of September and the election-day. I think the 2nd of November. There were not as many there in 1875 as in 1876. Clubs had them in 1876 that did not have them in 1875.

Q. How many cannon were there during the campaign of 1876?—A. I reckon there was about eight or ten of these small pieces.

Q. You had still more after that?—A. Yes; I think there were.

Q. How often were those taken out in 1875 or 1876?—A. When there would be a meeting of the club they would be used to call the members together.

Q. And when they went off to a political meeting they took them along?—A. When they went to political processions they would have them along.

Q. You had signals, then, that you made, you say: what was the signal that you gave when you wanted a meeting? How many guns did you fire?—A. Simply one, to let them know that the meeting was to take place. The club had adjourned to a certain time, and when the time would come, the gun would be fired, just as a church-bell would ring, to let the members know that the meeting was to come.

Q. Did you have those guns for a purpose—in case of disturbance or anything of that kind?—A. I think it was understood that in the event of any disturbance in the county, or anything of that kind, the persons were to be notified either by that way or by a courier. I do not think any set of signals were agreed on, or anything of that kind. After the Clinton riot there was a good deal of excitement, and reports were going over the county that the negroes were gathered here and there, and that they were murdering women and children. There was a considerable state of excitement for several days.

Q. The negroes did not gather, that you know of, did they?—A. Not that I am aware of; but I speak of rumors.

Q. You do not know where those reports originated nor who originated them?—A. No, sir.

Q. They turned out to be unfounded, did they?—A. They did.

Q. You heard these rumors from white people?—A. I heard them from colored and white alike. It was a report passing through the county, and nobody could tell where it came from or where it started—just as I heard about colored men being killed, and yet saw these colored men afterwards.

Q. You know that some colored men were killed after the Clinton riot?—A. I do not know that a single colored man was killed.

Q. You heard of it?—A. I do not know that I did.

Q. Do you not know that Stevens, a colored man, was killed, and his sons as well?—A. I do not know that.

Q. Did you know them?—A. I did not, sir.

Q. You never knew them?—A. I never knew them.

Q. You heard that they were killed?—A. Yes, sir.

Q. You do not know whether it is true or not?—A. I do not.

Q. You say that the whole method of inducing the negroes to join the democratic clubs and party was persuasive and not forcible—there was no force at all used?—A. I did not see any force used, sir; and I think that I can state that the method was persuasive. Arguments were used with them to convince them of the necessity of joining.

Q. What was the object of arming yourselves as members of these political organizations?—A. As I stated before, at the time immediately after the Clinton riot, and even immediately before——

Q. (Interposing.) The Clinton riot was on the 4th of September?—A. Yes.

Q. Is it not a fact that your clubs had been formed, almost universally, before that time?—A. The clubs had been formed.

Q. And the clubs had been armed?—A. No, sir; the individual members of the club had their pistols only.

Q. You had no cannon up to that time?—A. They had cannon at Utica—the Utica club had a cannon, but I do not know of any other club in the county that had a cannon up to that time. At the time of the Clinton riot, as I was going to say, there were great rumors through the county of trouble, and the parties armed themselves for the purposes of self-protection.

Q. From whom?—A. From riots.

Q. From colored people?—A. Yes, sir.

Q. You anticipated that the colored people would rise and kill the whites, I suppose?—A. We did at the time, because they were intensely excited.

Q. Do you not know that it is a fact that the most of the negroes had fled to the swamps and woods after the Clinton riot?—A. No, sir.

Q. And that half the negro population were away from their homes—from their cabins?—A. No, sir; the negroes were walking around the streets of Raymond that very day after the Clinton riot.

Q. You think the negroes were not at all terrified by the Clinton riot?—A. I know some of them were.

Q. I mean the masses?—A. I think some of the masses were troubled.

Q. Do you think there was any danger of a negro insurrection after that riot?—A. I did, sir.

Q. I asked you do you think so now?—A. Yes, sir; I think that for a time there was.

Q. Do you think there is really danger in the State of Mississippi that the negroes may rebel against the whites at the present time?—A. I do not, because a very kindly feeling has grown up between the two races.

Q. Did you think so then?
The WITNESS. In 1875?
Mr. TELLER. Yes.
A. I did, sir.
Q. Do you now think that your fears were well-grounded at that time?—A. I do, sir—for a time.
Q. Why?—A. On account of the inflammatory speeches that had been made to negroes, and on account of the intense excitement and animosity that a great many of them felt against the whites.
Q That was in 1875?—A. Yes.
Q. Who had made these speeches?—A. They were made by different political leaders.
Q. Mention whom they were.—A. Mr. Wilburn, for one.
Q. What was the character of Mr. Wilburn's inflammatory speeches?—A. Well, I did not hear them myself, but from what I heard of them——
Q. You may tell what somebody else said as to that matter; I want to hear it.—A. My information in reference to these speeches was that he told them that the colored people were entitled to control the county, that they were in the majority, and that the whites were trying to put them down; and that they needed to maintain their rights, let the consequences be what they might be.
Q. And that is what you call an inflammatory speech?—A. And urging them to gather together in masses, and to stand by one another, and to fight, if necessary.
Q. That is what you call an inflammatory speech?—A. Yes, sir; that is the substance of what I call an inflammatory speech.
Q. Why should you have anticipated any very great trouble, if these black republicans were so universally joining the democratic clubs at that time?—A. They were not at that time.
Q. It was after that that they began to join the democratic clubs?—A. After the Clinton riot, sir.
Q. Up to the Clinton riot I ask you how many had joined your clubs?—A. Most of them had joined in the Utica district. There was a very large number that had joined in that district. In fact, it was largely democratic.
Q. Then you did not anticipate any danger from the Utica section?—A. No.
Q. From what section did you anticipate danger?—A. In the direction of Brownsville, and Edwards Depot, and around about Jackson and Clinton.
Q. Do you know when the democratic club was organized at Utica?—A. It was the first club organized in the county. I cannot remember when it was.
Q. Do you know when they got their cannon?—A. I do not know.
Q. Was it not the first cannon in the county?—A. I think it was.
Q. Do you not know the date when they got it?—A. I do not.
Q. That is the first place where the negroes made a break, and began to join the clubs?—A. Yes.
Q. You do not suppose that the getting of the cannon had anything to do with it?—A. I do not, sir; most unequivocally.
Q. You do not think that the display of firearms had anything to do with the negroes voting the democratic ticket?—A. I do not. I do not think the negro would have voted the democratic ticket on any such account. I am certain that the cannon or anything of the kind did not have any effect upon them.

Q. You think they voted because they preferred the democratic party?—A. No; I think they saw that the arraying of the races in opposition to one another was bringing about bad blood, and that the democratic party, composed as it was of the land-owners of the country, was the proper party for them to be connected with.

Q. In other words, you think that they thought they would be better treated by the whites if they joined the democratic party?—A. Yes; and that it would be a better government for them to live under, and that there would be peace and quietness to all parties.

Q. You think they were somewhat afraid of the hostile influence of the whites?—A. I do not think they were. I never heard one say that they were afraid; and I have talked with them, and they have argued with me for hours.

Q. You had predicted that the negroes voting the republican ticket and the whites voting the democratic ticket would create ill-feeling and get up a war of races?—A. Yes; ultimately.

Q. How are you considered; are you considered a very extreme radical democrat in your section?—A. I do not know how people consider me. I know how my feelings are. I have never been a radical of any kind.

Q. What did you call yourself—a sort of conservative democrat; although, I believe that is a term that you apply to all democrats down there, now?—A. Well, sir, in one sense I consider myself a democrat, in voting and acting with the democratic party, because I have no other party that I can act with. I came from an old whig family, and have old whig principles.

Q. You are not considered a radical democrat, are you?—A. You will have to ask some gentlemen who know me what I am considered. I can only state what I am.

Q. During the campaign of 1876 where was the first democratic speech made in your county, if you remember?—A. I do not remember.

Q. Where was the first republican speech?—A. I do not remember that, either.

Q. Do you remember who made it?—A. No, sir; I remember participating in a joint debate at Edwards's, with Captain Lake, and Judge Alcorn, and Mr. McLeod, of Jackson.

Q. How many republican meetings were held in the county during the campaign of 1876?—A. I do not know.

Q. Do you know of any?—A. Yes.

Q. Where?—A. One at Edwards's depot, where I was present, and in which I participated and joined in the debate.

Q. How many more?—A. I was not present at any other.

Q. Do you know of any other?—A. I think I heard of other meetings, sir, but I cannot state positively.

Q. Do you remember where the other meetings were?—A. I do not.

Q. You cannot then say that there was any other meeting except that?—A. I cannot of my own knowledge say that there was; but I heard that there were others.

Q. Before 1875 the republicans had been very active in canvassing that county?—A. And they were during 1875.

Q. After the Clinton riot or before that?—A. Well, before the Clinton riot they were remarkably active.

Q. How was it after that?—A. After the Clinton riot I think they were trying to keep their party organization.

Q. Was there any public meetings after the Clinton riot that you know of?—A. None that I am aware of. There may have been; I do not remember.

Q. You do not know of any?—A. No; but I hope you will permit me to make one statement, that while I know of none, that is not saying that there could not have been any. There may have been meetings held anywhere in the county.

Q. There may have been, you mean, and you not know it?—A. Yes.

Q. But you don't know of any other, except what you have mentioned, in 1876?—A. I say that I was not present. I have heard of other meetings held in the county.

Q. I asked you to mention the place, and you did not recollect?—A. No, sir.

Q. You do not know whether any were held or not?—A. No, sir.

Q. You state that there were some colored democrats who made speeches?—A. Hicks; yes, sir.

Q. And Andy Miller?—A. I never heard Andy Miller make a speech.

Q. He was an active colored democrat, however?—A. Yes.

Q. You say he was a land-owner?—A. Yes.

Q. How many negro land-owners have you in that county, if you have any knowledge about it?—A. I do not know. We have quite a number of them.

Q. Can you give any idea, whether it is one in a hundred or one in five hundred?—A. I cannot give you any idea or any estimate. I merely said, that of my personal knowledge I know of quite a number who own land. I said also that I heard other colored men make democratic speeches, who were not land-owners.

By Mr. HOOKER:

Q. You were asked about the disturbance in Hines County, after the Clinton riot, and you say that it was because of the three white men that were killed there?—A. Yes.

Q. How far were they killed from the scene where the conflict began?—A. They were killed right there, except the one who had been killed about a mile from there. He had been wounded on the field, and was followed up and killed.

Q. What was his name?—A. Thompson.

Q. Whereabouts were the other parties killed?—A. Mr. Chilton was killed right at his own gate, as he was conducting some colored women into his house. A colored man rode by at the time, and shot him in the back, and he fell dead in the presence of his family.

Q. Where was Sively killed?—A. Sively was wounded on the field.

By Mr. TELLER:

Q. Do you know anything about this of your own knowledge?—A. I know it, because I was one of a committee that took the testimony. Sively was followed a quarter of a mile or so and into a corn-field.

By Mr. HOOKER:

Q. The excitement grew out of the killing of these people?—A. It grew out of the killing and the manner of the killing; the barbarous, brutal manner in which they were killed.

Q. Those dispatches, about which Senator Teller has interrogated you, were sent to Mr. George, as chairman of the democratic executive committee?—A. Yes.

Q. You were acting for the chairman of the county committee?—A. I was acting for him.

Q. And you reported to him?—A. Yes.

Q. You were asked whether the clubs had gone to the polls armed, or to their meeting-places armed. Do you not know the fact that from

seventy to seventy-five negroes of Hinds County had always gone to the voting-places and places of public meeting armed?—A. I did. If you permit me to make a statement I would say that I have seen the streets of Raymond crowded so densely with armed negroes that it was impossible for vehicles to pass. I have seen ladies stopped by these armed processions of negroes, and vehicles also.

Q. How were they armed?—A. They were armed with pistols, and clubs, and shot-guns, and things of that sort. I have seen them ride through the streets of Raymond offering taunts and insulting words to both white ladies and gentlemen.

Q. That was during the time that the State was under republican rule?—A. Yes.

Q. Were there any white persons with them on such occasions?—A. The speakers were white, particularly.

Q. Who were they?—A. I have seen Mr. Fisher at some of those meetings.

By Mr. TELLER:

Q. At those times when they were armed, do you mean?—A. Yes.

By Mr. HOOKER:

Q. Who else?—A. At one time, perhaps, Colonel Paton was there.

By Mr. TELLER:

Q. At those armed meetings?—A. Yes.

By Mr. HOOKER:

Q. State what period of time this extended over.—A. This began from the time of reconstruction—from the time that the convention was called for the purpose of adopting the first constitution under reconstruction, and which continued up to 1875, to the very election. After awhile the whites, appearing to take no notice of the matter, the organization did not seem to be complete; but in 1868 and 1869, and the subsequent election that followed, the negroes came to the polls *en masse*, in column, and took possession of the polls immediately when they came in, and it was very difficult for the whites to get to the polls to vote; and that is one of the reasons why very few of them came or took any interest in the election, because they would have to be in that column for hours in order to get an opportunity to vote.

Q. Is it not a fact that, from 1869, when the radical party took possession of the State, until 1875, a great many white men never registered or voted?—A. I met a great many that told me they never registered or voted since the war.

Q. And that did register and vote in 1875 or 1876?—A. I do not think there was a white man in Hinds County that did not register and vote; and some even were brought to the polls in wagons—sick men who were determined to register and vote.

Q. The whole country was aroused?—A. Yes; and every citizen of the county considered himself a committeeman to try to get men into the democratic clubs.

By Senator TELLER:

Q. I asked you about the number of negroes killed at Clinton, and you said you could not tell, I believe?—A. I stated that I saw three graves.

Q. Did you not sign a report on that affair, addressed to General George?—A. Yes.

Q. I asked you whether after the riot at Clinton some men were not killed, and you said you did not know anything about it.—A. Yes.

Q. Now, in this report of yours to General George, do you not say: "During Saturday night and Sunday morning, perhaps seven or eight negroes, who were supposed to be leaders in the affray, were killed by the whites, who were indignant at the murder and mutilation of their white friends?"—A. Yes.

Q. That is a fact, is it.—A. Yes. You asked me if I knew of any that were killed, and I told you that, personally, I did not, but that is what I heard.

Q. You did not say that at that time.—A. Because I did not think of it. If you had called my attention to it, I undoubtedly would have given it.

By Mr. HOOKER:

Q. Is it not a fact that at the time immediately after this Clinton riot the negro radicals who were supposed to be the leaders of that riot, and the slayers of these white men, fled to Jackson, and a great many negroes who were supposed to be concerned in it fled also, to the State government for protection?—A. They went to Jackson, and I suppose it was for that purpose.

Q. Is it a fact that the Federal troops did appear upon the scene at Clinton a short time afterward?—A. I understand that they did on Sunday, or, perhaps, Saturday night.

By Mr. TELLER:

Q. You were not present at the Clinton riot?—A. No, sir.

Q. But you investigated the matter?—A. Yes, sir.

Q. And made this report on testimony taken?—A. Yes, sir.

Q. Do you know who did the first firing, a white or a black man, at Clinton?—A. I cannot remember now, but the testimony will show.

Q. You state here that the first pistol-shot was fired by a white man named Thompson, and was accidentally discharged.—A. Yes; that is, from testimony.

Q. And you say the next shot was fired by a colored man, which struck young Mr. Wharton, and that the firing instantly became general?—A. Yes.

Q. And you say the whites stopped and fired vigorously. Two negroes were killed on the spot, and four or five were wounded, and the crowd in front of the whites retreated?—A. Yes.

Q. That report is signed by E. W. Cabiniss, Frank Johnson, and yourself?—A. Yes, sir; I saw the graves there that I was told were the graves of these colored men.

Q. At that time, as you understood, the whites were under arms?—A. No, sir; I know several white gentlemen who were present that had no arms at all.

Q. Is it not a fact that the whites had assembled on one side and the blacks on the other?—A. No, sir.

Q. Then you are in error in this report, for you so put it. You say: "After retreating this distance, another crowd of negroes came down on them, coming from an opposite direction. After the altercation commenced, and before the firing began, the whites made every effort to avoid a fight. About this time a pistol in the hands of Mr. Thompson, a white man, was discharged accidentally, the ball going in the ground at his feet. A shot was next fired by a colored man, which struck young Mr. Wharton. The firing instantly became general."

The WITNESS. I understood your question to be at the time of the beginning of the difficulty.

Mr. TELLER. I said at the beginning of the firing.

The WITNESS. At the time of the firing my understanding was that a small body of the whites had got together down at the bottom, and that they tried to get together as much as possible, and that the negroes came pressing down upon them from the top of the hill in a mass, and that the first shot was fired by the accidental discharge of Mr. Thompson's pistol, and then followed the firing by the colored man, and then the firing became general. I hope if there is anything that appears in my testimony in conflict with that report, you will give me an opportunity to explain. I want to go before the country properly. Mr. Johnson drew the report, and it was not submitted to me.

Q. I have called your attention to all that has suggested itself to me. You say the whites generally, in 1875 and 1876, in your county voted?—A. Yes.

Q. If there was a falling off of any votes you would presume that that falling off occurred in the votes of the negroes who had failed to vote in 1875 and 1876?—A. I reckon it would be, because I reckon there was a very general voting of the whites.

By Mr. HOOKER:

Q. What did the evidence disclose as to the number of white people who were present, and the number of colored people, at this Clinton riot?

The WITNESS. Can I have the copy of the former report to refresh my memory?

Mr. TELLER. Yes.

[The witness is handed a copy of the report of the Senate committee on the Mississippi election of 1875, known as the "Boutwell Report," and states:] Here is the report, from which I will read some extracts: "An invitation was extended to all persons to attend the republican meeting and barbecue at Clinton. There was to be a joint discussion. Accordingly, perhaps sixty or seventy-five white men went to the grounds. There were from 1,000 to 1,200 negro men present. As many, perhaps, as two or three hundred went there armed with pistols. There were probably twenty or thirty white men with pistols on their persons, not more than fifteen of whom participated in the fight. Many of the negroes went to Clinton anticipating a fight, and armed for it, and seized as a pretext for the affray a quarrel between a white man and a negro."

Mr. TELLER. That is your statement based upon what you supposed to be the facts at the time?—A. Yes.

Q. Based upon testimony given by white men?—A. No, sir: quite a number were colored men; I think I can point out the colored men's names.

Q. That is the report you made to the democratic authority?—A. Yes.

Q. Did you make any to the State authority?—A. I was never called upon to do it.

Q. Did you make any to the county authority?—A. I did not. The name of one colored man who testified there was Herbert Strange, I observe.

W. W. CHISOLM sworn and examined.

By Mr. TELLER:

Question. Mr. Chisolm, where do you reside?—Answer. I live in Kemper County, Mississippi.

Q. How long have you resided there?—A. I have lived there about twenty five or six years.

Q. Of what State are you a native?—A. Georgia.

Q. Were you in the confederate service?—A. No, sir; I was in the war very little. I held an office under the confederate government, but did not participate in the army.

Q. What office?—A. Probate judge.

Q. In what county?—A. Kemper County.

Q. During the war?—A. A part of the time. A portion of the time I was in the conscript bureau.

Q. Were you in the service?—A. I was in the service—in the militia some. My sympathies were with the South.

Q. Have you held any public office since the war? If so, state what.—A. I have been the sheriff of my county since the war.

Q. When were you elected sheriff?—A. I was appointed by Governor Alcorn, as soon as my disabilities were removed. My brother was appointed by Governor Ames, as I could not take the oath. Afterward my disabilities were removed, Governor Alcorn appointed me; and I was elected twice afterward.

Q. Do you hold any office now?—A. No, sir; I am United States commissioner.

Q. What is the population of your county, white or black?—A. About equally divided, according as the registration is there.

Q. What is the registration, if you recollect?—A. Between three and four thousand.

Q. About equally divided between white and black?—A. That was before the last registration. I don't think the last registration registered more than three thousand votes in the county; the old registration registered four thousand. I am not positive about the registration; did not pay much attention to it.

Q. What has been the politics of the county since the war?—A. It went republican every time up to 1875; it went republican from the constitutional convention.

Q. Do you remember the majorities?—A. For the constitutional convention it went about six hundred and eighty-seven majority.

Q. That was in 1867?—A. I think in July, 1868; that is my recollection; I am not positive as to that. For Governor Alcorn in that canvass, it went over two hundred majority.

Q. That was in 1869?—A. In 1869.

Q. How in 1871?—A. In 1871 it went about two hundred majority; it ranged from one hundred and eighty to two hundred. In 1872 it went more than four hundred majority; in 1873, at the State election there, for governor and the different officers, the majorities ranged from one hundred and seventy-five to two hundred.

Q. Are there any white republicans in that county?—A. Yes, sir; we have a good many white republicans voting there. We have always claimed that we have—counting the votes; the majority we cast there—we always claimed one hundred and fifty to two hundred and fifty men who voted the republican ticket: from one hundred and fifty to two hundred and fifty white men who voted the republican ticket.

Q. What are these people natives of—Mississippi?—A. Yes, sir; there has never been any northern men in my county at all except Colonel Stafford, and there was a Mr. Boozier, or Hoosier. Most of the white men who vote the republican ticket are men of property. Most of them pay as much taxes as any class of men in the county.

Q. What were the politics of these gentlemen before the war?—A. Most of them were confederates.

Q. Before the war were they whigs or democrats?—A. They were divided. The majority were whigs.

Q. What were your politics before the war?—A. I was a whig. I voted for Bell and Everett.

Q. In 1860?—A. I was elected as a whig in that county. I was very young then.

Q. How have your elections in Kemper County been up to 1875?—A. They have been rather quiet along up to 1875. My testimony was taken before the Boutwell committee in 1875.

Q. It is in that?—A. Yes, sir; and it is about substantially true, except I want to correct—I want to make some statements as to the testimony of Squire Ellis of that county. My testimony is in the first volume. Mr. Ellis says in his testimony before that committee, page 1786, "the republicans refused to divide the time with the democrats." I state emphatically (and I believe they regard me as the head of the party there, and have been since the war) that there was never any proposition by me to divide the time with the democrats, except with Judge Bell, in my speech at Blackwater. At that place I divided the time. He states (p. 1786) that there was fearful extravagance in the county.

Q. In the county management?—A. And that the taxes "was about four per cent. on the dollar." I state emphatically that such is not the fact, and never has been. The tax has never been four per cent. *ad valorem* in the county; that there have never been any warrants in the county but what there was ready sale for in the market except the warrants issued by the democratic school-directors of that county. All of them were democrats. The members of the board were all democrats. The superintendent was republican. They issued a large amount of warrants, which are still outstanding. They have been bonded. They have been very worthless, but it was by the directors appointed under the first school-law in our State, and they were all democrats. A. J. Ellis was their attorney. They issued a great many warrants which have been very worthless. He says, (page 1788,) in speaking of the registration-books, about my having had the registration-books—he states that I denied having the custody of the registration-books, and that I afterwards admitted that I had them. I state emphatically that I never denied nor admitted anything about the registration-books, but told him that I was not the custodian of the books, and had nothing to do with them. I had requested my deputy, who had the key of the safe, to lock them in my safe in the sheriff's office for safe-keeping. He states that my wife went down there and got the books out, whereas my deputy sheriff went down for the books and got them out.

Q. Is there anything else you want to say about that testimony?—A. Yes; Gilmer says that he was (page 1789) one of the managers of election at Scooba. He was not one of the managers at Scooba nor anywhere in the county. Let me see page 1792. [The volume was handed to the witness.] He (Ellis) states that the negroes "all had guns, sir; or at least a large majority of them;" that nearly all of them were armed or had arms, as they are apt to have guns and dogs and pistols. I will state that there is not one-twentieth of the negroes in the county of Kemper who have a gun of any description or a pistol.

By Mr. MONEY, (representing Mr. KERNAN:)

Q. You know that to be a fact?—A. To the best of my knowledge and belief. That is the only way I swear to anything.

By Mr. TELLER:

Q. To the best of your knowledge and belief?—A. Of my knowledge and belief; from acquaintance with them. I do not swear to this, and I do not know, except what I believe. He states that there was a colored preacher that talked with him about the election, (page 1798,) some one who lived on a place belonging to him.

Q. Did you live near him?—A. I lived right near; he has a little place near De Kalb, where a colored man lives on it. He states that Gilmer said (page 1799) that he would have come off the ticket in the canvass of '75 if I had not insisted upon his running, so as to carry considerable weight for the party. I will state emphatically that Mr. Gilmer never opened his mouth about coming off the ticket in that county.

Q. Now do you want to say anything more about '75 according to your knowledge and belief?—A. No, sir.

Q. You are W. W. Chisolm that testified before the Boutwell committee?—A. Yes, sir.

Q. Your testimony is correct?—A. Yes, sir; about correct, I think.

Q. Did you take part in the campaign of 1876?—A. Yes, sir; I did.

Q. What part did you take in it?—A. Well, I had appointments to make a good many speeches.

Q. Were you running for any office?—A. Yes, sir; I was nominated for Congress on the sixth day of September.

Q. By what party?—A. By the republican party; I am not positive as to its being the sixth of September; that is my recollection.

Q. Did you publish a list of the appointments?—A. Yes, sir; I have a list of appointments in my hand that I published.

Mr. TELLER. You may submit that to the reporter.

The document was as follows:

RALLY, REPUBLICANS!

Public speaking.

Hon. W. W. Chisolm, the republican nominee for Congress in the third district, and others will address the people at the following times and places:

WINSTON COUNTY.

Plattsburgh, Saturday, September 30; Louisville, Monday, October 2; New Prospect, Tuesday, October 3.

CHOCTAW COUNTY.

Chester, Wednesday, October 4; La Grange, Thursday, October 5.

SUMNER COUNTY.

Greensborough, Friday, October 6; Cumberland, Saturday, October 7; Shady Grove, Monday, October 9.

CALHOUN COUNTY.

State Springs, Tuesday, October 10.

GRENADA COUNTY.

Graysport, Wednesday, October 11; Grenada, Thursday, October 12.

LE FLORE COUNTY.

Red Cross, Saturday, October 14; Greenwood, Monday, October 16; Shepardstown, Thursday, October 19.

SUNFLOWER COUNTY.

Johnsonville, Wednesday, October 18.

CARROLL COUNTY.

Carrollton, Friday, October 20; Vaiden October 24.

MONTGOMERY COUNTY.

Duck, Saturday, October 21; Winona, October 23.

ATTALA COUNTY.

Kosciusko, October 25; Sallis, October, 26.

NESHOBA COUNTY.

Dixon, October 27; Philadelphia, October 28.

NOXUBEE COUNTY.

Shuqualak, October 31; Macon, November 1; Brooksville, November 2.

KEMPER COUNTY.

Scooba, November 3; De Kalb, November 4.

Mr. Chisolm will be accompanied at several of the above-named places by Hons. H. R. Ware, H. C. Niles, R. Boyd, G. C. McKee, Wm. Price, W. E. Kelley, G. E. Harris, M. Tuttle, J. P. Gilmer, and P. P. Bailey and others.

The democratic nominee is invited to join in the discussion, and a fair division of time will be given.

The WITNESS. I may say here, however, before I go into the discussion of these appointments, that I was at Scooba some time in August on some business, and met Mr. C. Rosenbaum, my deputy sheriff; was in the back room of his store, and was talking on some matters of business that I went down there to look after. There came some men in there who seemed to have been drinking. Some of them said that they wanted me to divide the time with Houston. Houston is the democratic speaker down there. I remarked to the man that I didn't come to Scooba to make a speech; but if the democratic party wanted me to speak, of course I would do so; but no information from him would get me to go out and make a speech. He asked me who I needed it from. I told him from the chairman of the democratic club there, or some other man who was running the thing down there. He said that in a few moments afterward Dr. George and Squire Ellis would be down there to see me. I said all right. He told me he came over to see about the dividing of the time: that Mr. Houston had sent me word to divide the time with him.

Q. (By Mr. TELLER.) Who was Dr. George?—A. He was a practicing physician.

Q. A democrat?—A. Yes, sir; a democrat.

Q. Is Squire Ellis a democrat?—A. Squire Ellis is connected with the democratic executive committee somehow—secretary, I think. I told them that I certainly would take pleasure in speaking if it suited them. They said they wanted it understood that I should make a public declaration to the colored men that they should stay and hear both sides. A good many colored men had come into town. It was Saturday evening. I told them that I would do that. I went out and made the declaration that I was going to divide the time with these gentlemen, and I especially requested the colored men to listen to the speech of Mr. Houston. He made the first speech. I replied to him; then he rejoined. Before I left town I had some business at the depot about an express package that I learned was there for me. As I was going down Squire Nevills halted me on the road, and told me that he wanted me to make an appointment to meet him at Scooba on some day; I forget the day. I remarked that I did not know whether I could do it or not; that I did not know so well about it: that I probably would. After that, without any consultation as far as I was concerned, I saw posters that I and Nevills were to discuss the political issues at Scooba on a day appointed. Before the day arrived several men had told me that the democratic party were not pleased with that arrangement. I took Ellis aside and asked Ellis if such was the fact. He said he did not think the democratic party was responsible for anything that Nevills did.

Q. Is this Mr. Ellis the same man you spoke of before?—A. Yes, sir; Squire Ellis; that he thought it was premature on the part of Nevills to make that arrangement. I said, "I will not speak down there, notwithstanding it is published, if it is not satisfactory to the democratic party. I want you to understand by that, the men who run the democratic party."

Q. That is what you told Ellis?—A. That is what I told Ellis. He said to go on, and he supposed it would be all right. That was at De

Kalb. When I got to Scooba I heard men saying in the street that I should not speak.

Mr. MONEY. I object to such statements from hearsay.

Mr. TELLER. We have been admitting these things.

The WITNESS. I sent for Ellis and the president of the club, and I asked them what it meant by these reports going about that they were not going to let me speak, when they had invited me down there. I supposed that I was invited. I said, "Now I propose to give way; I don't want to have anything to do with this thing if it is not exactly in accordance with the feelings of the democratic party." They told me to go on; but they wanted it distinctly understood that they were not responsible as to what Nevills said about the democratic party or about the republican party; that the democratic party was not responsible for anything that Nevills might say or do. I said, "All right; that is immaterial with me, so far as any party is concerned." Well, I saw Squire Nevills about fixing the time and about the way we were to divide. He then informed me that they were going to have two democratic speeches before me and him could come in. There was a large crowd of negroes there that day; that he had to have the opening and closing speech. Well, we agreed to that; that it was all right. We were to commence at one o'clock, and the democratic speakers, as I understood from everybody in Scooba—general talk—were to speak in the club-room; but about eleven o'clock they came out and opened out, and called upon everybody. They entertained them with democratic eloquence and logic. That lasted until, I should suppose, three o'clock in the evening; it was a warm day, too; and then Squire Nevills spoke an hour, I believe—I am not positive as to that—after the hour agreed upon. I was to reply to him, and he to have fifteen minutes rejoinder. He spoke. Not a word was said by the freedmen in the way of interruption, who were standing there in the hot, broiling sun. I had not spoken more than fifteen minutes before I was interrupted. At this time they had got the democratic crowd thoroughly drunk; they were patriotic; they had patriotic whisky in them. They were thoroughly brought up to the point that I should not speak. I spoke about fifteen minutes, and they interrupted; said "it was a damn lie;" said that I could not speak there without I told the truth. I pointed my remarks then to the chairman of the democratic executive committee, and asked him if I was to speak. He said, "Yes, go on." I remarked then, "If I have got to tell the truth according to this ignorant rabble, what they consider to be the truth, I certainly shall not make a speech." Squire Ellis got up and asked them to be quiet and listen to my speaking. Of course they were not quiet; they interrupted me on divers and sundry times during my speech, but I spoke the time I was allowed to speak; at least that is what I understood.

Q. (By Mr. TELLER.) You got through the hour?—A. I got through the hour.

Q. Go on.—A. I was nominated in that canvass for Congress. I made that list of appointments and commenced to fill them. My first point of meeting was in the corner of Winston and Neshoba Counties, at a place called Platsbury. I filled that appointment, with nobody to interfere with me. The next was Louisville. I was met at Louisville by the State senator Mets. He asked me if I proposed to divide the time. I told him I had no objection to dividing the time, provided it suited the republicans who lived in the county; that I didn't propose to say as to whether I would divide the time or not; that I left it to the local republicans in the county. Judge Davis and two or

three other men were present at the time, and they remarked that they didn't want to divide the time: that they had not had any republican speaking, and that the democrats had had a good many meetings; that Colonel Money had spoken through the country, and they objected to dividing the time.

Q. Was Colonel Money the democratic candidate?—A. Yes, sir.

Q. For Congress?—A. Yes, sir. After consulting with him—after consulting with Mets—we agreed that we would divide the time. I stated to them frankly that I would not be permitted to speak without I would agree to divide the time.

Q. You would not be permitted by the democrats?—A. By the democratic party, unless I divided the time. Colonel Mets told me that he would try to protect me if I would divide the time.

Q. He was a democrat?—A. Yes, sir; and the inference that I drew from his remark was that he didn't propose to protect me if I didn't divide the time. I called Mets back and told him that the others advised—that others had agreed we would divide the time, and informed him to make the arrangements; that I preferred that he himself would speak. He said, "No, he would get Judge Bolling." He brought Judge Bolling there to the court-house at the appointed time that we were to meet there, and Bolling agreed as to how we were to speak. I was to open in an hour and a half, and he was to follow with an hour and a half, with my having fifteen minutes to rejoin. There was no disturbance at the meeting; there were a great many drunken men, but they did not interfere with me more than with Bolling; they bothered Bolling along, telling him what to say. I had no disturbance in any canvass from that time up to Grenada. I got to Grenada——

Q. State at what time you got to Grenada.—A. I got to Grenada on the 12th of October. I spoke at Grenada.

Q. Go on and state what occurred at Grenada, if there was any disturbance there.—A. Well, at Grenada, no one said anything to me about the division of time. I heard in the barber-shops and other places where they were talking that they intended to have me divide the time if I spoke there. There was a large crowd of freedmen there that day, and a large crowd of white men—a considerable crowd of white men. Judge Ware of Jackson was there.

Q. A democratic speaker?—A. No, sir; a republican speaker. I had invited him to be there. Judge Ware was willing for a division of the time with the democratic speakers, although they said nothing at all until we were up on the stand to speak. Nobody had said anything about division of time until it was time to speak. Captain Barksdale, they call him, asked William Price, who was chairman of the meeting, if he intended to divide the time with the democratic party there that day. Price told him that there had been no republican speaking there, and that the democrats had had a number of meetings, and that he (Price) was opposed to a division of time. And that Judge Ware from Jackson was there, and myself, being a candidate for Congress, would occupy all the time that day, but that Judge Ware would agree to meet him some other day to discuss political issues of the day, which was agreed to at that time. I spoke, I suppose, about an hour. I presume it was about an hour, although I don't know as to that—I think about an hour I spoke before I was interrupted particularly and especially. When I was hollered down, they were hollering "Indiana, Indiana, Indiana, Indiana." When I attempted to speak the democratic white men commenced to shout so that I could not speak.

Q. So you were compelled to quit, were you?—A. Yes, sir: I had to quit before I got through speaking.

By Mr. MONEY:

Q. That was at Grenada, was it?—A. Yes, sir; I went from Grenada to Red Cross, Leflore County.

By Senator TELLER:

Q. In your district?—A. In my district. I was met there by some gentleman who stated he had been an editor of a newspaper, who proposed to divide the time with me. I told him if he would have a quiet meeting that I was perfectly willing to divide the time with him—have his people to keep quiet, that I was willing to divide with him. I divided with him there, and I had no trouble, especially.

Q. Now when you get to places where you had no trouble, just simply state that you held a meeting without any disturbance?—A. I went from there to Greenwood; had no trouble; in every town in that county I had no trouble.

By Mr. MONEY:

Q. You mean, Senator, that he had better go over to the places where there was trouble.

The WITNESS. The next point was Carrollton, in Carroll County. I met Colonel Money, the candidate for Congress, at that place.

By Mr. TELLER:

Q. Did you have any trouble at that place?—A. I spoke there. I got through with my speech at that place.

Q. State what occurred, if there is anything.—A. There was a good deal of cursing; cursing me, and charging around. The only thing that I did see at Carrollton that particularly intimidated me—perhaps I am very easily intimidated—was the fact that a couple of young lads or fellows stood behind me who seemed to have their knives in their hands.

Q. What kind of knives did they have?—A. One of the blades was tolerably long in the knife. Before I went out to make my speech the hotel freedman that waited on me in my room——

Q. A colored man?—A. He was a colored man. He told me that there were some bad fellows there, and gave me the names of them. Before I commenced to make my speech, I asked some gentleman standing by me—I did not know anybody there—who the men were who seemed to be at my back. The same name that the freedman had told me was the name of one of these men—Fox; I think it was Fox. I made my speech there and went from there——

Q. Did Colonel Money make a speech at the same time?—A. Yes, sir; Colonel Money made a speech there. I went from there to Duck Hill. On Saturday there was a considerable crowd of white men and a right smart crowd of freedmen there. They seemed to be considerably excited there, going up and down the street, yelling and hollering, making considerably loud sounds, when we got in sight of the town, with their red shirts on.

Q. Were they armed?—A. They had their side-arms.

Q. What do you mean by that, pistols?—A. Pistols. A great many had them buckled on their sides. A good many of them were intoxicated, or appeared to be. The place was appointed to speak at. Colonel Money was to speak first. I spoke, and I suppose I had got about half way through my speech—I had been stopped half a dozen times during the speech——

Q. Just state how you had been stopped; by whom, whether democrats or not.—A. The democrats frequently stopped me by asking me some foolish questions, and then hollering. Colonel Money asked them

to stop and listen; he several times got up and requested them, when I spoke, to keep quiet. But they would holler; when I began to talk they would holler, hoot and yell, and make noises by slapping their mouths—some demoniac sound—and I quit.

Q. On account of the disturbance?—A. Yes, sir: on account of the disturbance.

Q. How was it when Colonel Money spoke; did they disturb him?—A. Colonel Money asked them to quit talking.

Q. Did they disturb him when he spoke?—A. Yes, sir: they seemed to be discussing some matter around him, and he asked them several times to quit.

Q. When he made his speech?—A. Yes, sir; they were talking when he was speaking himself, not talking in the same way as when I was, not making this demoniac sound and yelling, but they were talking loud. They did not seem to pay any attention to his speech. He asked them—one time he remarked that he would quit if they did not listen, and they quit. I went from there to Winona. I believe that is in the same county; in Montgomery County. In my room, on Monday morning, there came up several gentlemen to see me about a division of time. I told them that I was willing to divide the time, provided they would give me a chance to speak, but I had got very tired dividing the time to have the crowd hear them and then not permit me to get through with my speech. The mayor of that town—he said he was mayor—told me that he thought there could be order and quiet if I divided the time; that Dr. Ward—I believe that is his name—we agreed to that division of time. I had not spoken but fifteen minutes, I believe the man who kept the watch stated, before I was interrupted half a dozen times. I opened that day. Finally some fellow behind me—it was a little piece out from the house; we spoke out in the open air, as we could not get into the court-house on account of the crowd—a fellow behind me, a long-coated fellow, got his pistol out and swore that he "be damned: that I could not run that thing in Winona; that I told those things in other places, and no damned enemies could tell those things over here." I cannot remember all he told me, but he told me to keep quiet. I then picked up my papers and went into my room in the hotel. A number of gentlemen came up there and insisted upon my going back there and finishing my speech. Among them was this mayor. They were drinking, I thought. I finally told them that if they would put the boxes upon which we stood up close to the hotel, so that I could get my back against the house—that I wanted to see the fellow who would shoot me—that I would go on. In a laughing way, they agreed to do that, to put the boxes in that way.

Q. So that he would not shoot you in the back?—A. I was not afraid to be shot anywhere else, only in the back; and I went through with my speech at Winona; that is, the opening speech. Dr. Ward replied to me. I was to have half an hour to reply to him. Dr. Ward made his speech, and was not intertered with—interrupted by any one at all. It was a very abusive speech, which only democrats could make, and one which no man under ordinary circumstances, with a fair showing, could make in my hearing.

Q. You mean abusive of you?—A. Yes, sir: of me and of the republican party; the republican party from General Grant down to the constable; of me too personal, as I told him. I got up to reply to him, and I had not got through with my first sentence before I was halted by half a dozen men. "Stop! stop! We won't listen to any such God-damned lies!" "You are telling God-damned lies!" and "You've got to tell

the truth, or got to stop!" I asked Ward if he was going to permit those men to keep me from speaking. He got up and asked them to keep quiet and stop hollering and allow me to go on. Again I started, and I had not spoken more than two minutes before they just came right up to the stand and told me "I had got to keep quiet; that a man that talked that way about the democratic party, that we people here won't stand it; that I had just got to close that up." In a laughing way I said, "Hold, boys; I will keep quiet;" and I gathered up my papers and went into the house. Before I got there I was caught by some fellow—I had pulled my pistol out and took it in my hand when I left the stand—some fellow caught me by the left arm and pulled me around. I told them, "I am going to keep quiet and not speak any more, and I want you to let me alone." Tip Gamble caught hold of me and pulled me into my room and asked me not to go out any more.

Q. Was he a citizen of the place?—A. Yes, sir.

Q. A democrat?—A. No, sir; a republican. I believe that is the way he writes to me here.

Q. That ended that meeting, did it?—A. That ended that meeting.

I went from there to Kosciusko. I had a very quiet meeting at Kosciusko; some man from Alabama there I divided the time with. The two committees had agreed on a division of time, and we had no trouble.

Q. Then go on to where you did have trouble.—A. In Philadelphia, on my way home, I attempted to speak, but they would not let me speak because I would not agree to a division of time. The man who wanted me to divide the time with him talked in such a way about the local authorities that the republicans were not willing to have me speak with him. I was perfectly willing.

Q. Did you attempt to speak there?—A. Yes, sir; I attempted to speak, but only spoke about five minutes.

Q. State what occurred.—A. They just simply said that what I was stating was a damned lie.

Q. The crowd—the democrats?—A. The democratic part of them did. I was reading and commenting upon the last legislature, what they had done for the State, and then I was reading from a Texas paper, showing the condition of things there—showing that all was not quiet where there was democratic rule. Some man in the crowd, who was a member of the board of registrars, said that "was a God-damned lie;" that he had a brother in Texas, and that everything was quiet there and lovely. "Well," said I, "I am giving this from a newspaper which says that it is a democratic paper." I said, "I do not know whether it is or not, but this paper purports to be a democratic paper." He says, "By God, if I could not read anything better than that I had better quit." The sheriff remarked to me, "Go on." I started to go on, when some little fellow, a lawyer over there on the other side of me, he stopped me. I asked if they were not going to let me speak. He said, "By God, why don't you divide the time?" "Well," said I, "I don't have anything to do with the division of the time; I leave that with the republicans here. They had decided not to divide the time with you, and I did not have anything to do with that." I said, "If you don't propose to let me speak I will stop." He said, "If you speak the truth we will let you speak." I stopped.

Q. Was there any demonstration of arms or anything?—A. No, sir; no demonstration in the court-house.

Q. Did you quit because it appeared unsafe from the demonstrations made?—A. I did. I quit because I saw positively that they did not in-

tend to let me speak. While they made no attempts to murder or assassinate me, I could not speak two minutes without some fellow's saying it was "a damned lie; that is not so." And they were getting up and disputing what I said. My next appointment was Shuqualak, in Noxubee County, October 31. That was the time when I went up there to Scooba. It was on the railroad, a large-voting place, with a great many freedmen there. I got there early, about sun-up or a little after, and went to the hotel they had there. Mr. Gilmer went out into the town, and said he would see what was going on; that he would knock about in town there. He said he knew several parties there, and he would come back and tell how things were going on down there. I had heard—of course it was all hearsay—that I was not going to be permitted to speak at Shuqualak. It was all hearsay. Later in the day, Mr. McCaleeb, formerly from my county—an old citizen of my county—who has always been a personal friend of mine, came up to the hotel where I was in my room—I was reading, and there was another gentleman or two in there—and pulled me a little to one side; said he, "Judge, I am your friend personally, and don't you try to make a speech here to-day."

Q. Was he a democrat?—A. Yes, sir; he is a democrat. Says I, "McCaleeb, I have seen worse-looking places than this, where I spoke at." "Well," says he, "you understand that I understand the question here; I know the situation," he says. "Well," says I, "I will be governed by my friends." Says he, "I would advise you as one of your democratic friends not to speak here." He then took Franklin off. I saw him talking to Franklin. He told Franklin that if I attempted to speak there that day that it would be my last speech, for they would kill me.

Q. Who was Franklin; a friend of yours?—A. A political friend of mine from Neshoba County. He is a man who lives there. Franklin came back and reported to me, and told me what he said. I said, "Well, wait and see. I am not going to say anything." Mr. Kennon came in there, perhaps was in there at the time; he was from Macon. He said he thought the situation looked rather squally. Young Allgood, deputy sheriff of Noxubee County, asked me to wait until he could see or hear from his father. There came in a young fellow, I don't know who he was, with young Allgood, and he stated that the sheriff had telegraphed to do nothing until he could get there; that he was on his way down there from Macon. About this time, too, Tim Tyson, an old merchant, a very strong democrat—he has known me since I have been a boy; he is much older than I am; he was the old clerk of the circuit court in Kemper County for a long time—he came up to where I was, and asked to see me. He told me, "Don't you attempt to make a speech here to-day." I did not tell him I would not report his name, but he asked me not to say anything about it, that they might get mad at him. But that is neither here nor there; I have got to tell what occurred. He said, "If you do speak, they are determined to go for you." That is just his words. He did not say "kill me;" but "They are determined to go for you." "Well," said I, "who is it that is going to go for me?" He said, "There are a great many drunken men in town who could not be controlled. They were not the good citizens." That is just his words. "Well," said I, "I leave it to my political friends. If they say speak, I am going to try. I don't know what will be the result." He remarked, "If you do, you will think that I have given you very good advice, before you get through." He went on back to his place of business, and directly after him the sheriff came up to my

room, he and Judge Dillard, and said that they had disbanded the crowd—I think he is mayor of Macon—and told them to go home.

Q. Why had they done that?—A. Allgood told me that he saw no chance to have any speaking there without great probability of a riot, and that he did not propose to have my life sacrificed, and the freedmen, simply for the purpose of saying that we made a speech. I told him then that he had done what was right. I asked him then if he thought I could make a speech in Macon. He said he thought I could probably make a speech up in Macon. By his advice—he advised me to go through the country from Shuqualak to Macon by private conveyance. I hired a hack, and went to Macon the next day. There was a division of time agreed upon there between me and a man named Younger, from Louisiana.

Q. Did you make a speech there?—A. I spoke for an hour and a half.

Q. Did you get through?—A. No, sir; I was to have a half an hour for rejoinder to Younger; but, just about the time I was to speak, Mr. Rosenbaum, my old deputy sheriff, was there, a southern man, born in Kemper County. He spoke to me and told me that he thought the intention was not to let me rejoin to Younger. Says I, "Why, Charlie, have you heard anything?" "Yes," he said, "I have been stirring about in the crowd a little, and they say that they have got to endure this hour and a half, but they will go for you in the rejoinder."

Mr. MONEY. I object to that as evidence.

Mr. TELLER. This would be allowed—the reason why he did not make the speech.

The WITNESS. That put me on my guard directly. I received a letter from Gilmer asking me to come into the circuit clerk's office.

Q. Was he a political friend?—A. Yes, sir. I went in there; young Allgood was in there with him—the deputy sheriff. Mr. Gilmer said I must not attempt to rejoin to Younger. Mr. Gilmer said that he had heard some threats in the crowd; that they did not intend to let me rejoin. Young Allgood remarked to me, "I know these people, and I know the condition they are in. The groceries are all shut up, but they have got whisky somewhere, and are all drunk. You had better not make any speech; you had better not attempt to rejoin." I sent for Colonel Allgood, the sheriff. He came in there. He said he thought perhaps I could speak. His son took him off and talked with him. A little while after he came back, and said perhaps it was well enough for me not to attempt to speak.

Q. (By Mr. TELLER.) Did you attempt it?—A. No, sir; I did not.

Q. Because you believed these reports?—A. I believed these reports and the demonstrations.

Q. Did you have any further meeting?—A. Yes, sir; I had a meeting advertised at Scooba. Rosenbaum, that is this young man, went home that night, and he wrote me back word that I had better not come to Scooba at all. He thought I had better go through the country home; that he thought there would be a crowd of Alabama men there, and that it would be dangerous for me to go down on the train to Scooba. I got a conveyance to go through the country, and went through the country to my home in De Kalb. I got there on Friday evening, I suppose about an hour and a half of sun. That night about eleven o'clock—I suppose about ten or eleven o'clock—there came a crowd of men to my house, right in front of my gate. I suppose they were within about twenty paces of my house, and they had employed a band from Gainesville, Alabama—I don't know that of my

personal knowledge. They played there, and shot their cannons off, and small-arms, and cursed, and asked me to come out. That was Friday night. My appointment was in De Kalb the next day to speak. That is where I live. They returned back again about one o'clock that night, and went through the same demonstration. The next morning there came in a good many of my white friends of the county—there is a right smart republican vote there—a good many of my white friends came in to see me; I not being in town, they came up to my house the next morning. It was tolerably early. I suppose it was ten o'clock when I got a communication from Swanzey, and J. W. Gully, and some other name, I forget the other name. They signed themselves officially, by authority of the democratic executive committee there. I got this from the hands of a gentleman by the name of A. G. Vincent. He presented it to me. I read it and remarked to him, says I, "Mr. Vincent, do you think I could make a speech here to-day?" He said he did not think I could, or perhaps I could, I don't know how it was. I said, "I understand from a hundred different sources that they will not let me speak." Says I, "I won't answer this note." He says, "Why not?" Says I, "This carries a lie on its face. It sets out by stating that it is a democratic meeting, when you know that such is not the fact; that it is a republican meeting, and that the democratic meeting was held here on yesterday, that is by appointment." He said that he had forgot about that. Says I, "I will not attempt to speak unless I am satisfied that I will not be interfered with." Says I, "I am not afraid under ordinary circumstances of anybody interfering with me, but when you have got such a crowd of two hundred to three hundred men, I am afraid of what they may do." Well, he went off, and I never saw him any more then. A few minutes after that the crowd came around again with their cannons and their band, passing my house. They did not shoot when they passed my house the first time, until they passed the gate, but they cursed me very extravagantly. When they passed the gate a little they fired a volley of small-arms, it seemed to be in the air over the house. They went around by the grocery and took on some more whisky, I suppose, and then came back and fired all along by the side of my house, cursing me terribly, and calling, "Come out, by God; God damn you, what are you in your hole for?" &c. Well, about the third time, or perhaps about the fourth or fifth, they fired into my house. They turned their pistols in the direction, and the shots struck my house—the balls did, as they fired.

Q. The pistol-balls?—A. Yes, sir. Since that time I had a conversation with this same man who brought me this message, Mr. Vincent. He says that my proposition was right; that he did not think I would have been permitted to speak, but that there was a probability that I would have been murdered if I had attempted it.

Q. So you made no effort to speak?—A. I did not make any effort to speak, and there was no republican speeches.

Q. You made no effort to speak down at that place?—A. No, sir; that was the Saturday before the election; the election was to be held Tuesday. I did not go out of my house at all on Tuesday. They held the election, or what they said was an election.

Q. You did not attend?—A. About one o'clock on Tuesday a gentleman came up to my house—one of the registrars came up to my house, and said to me that he was on his way to old man William Allis's, for his vote, and that he thought I ought to send my vote up too. I laughed, and told him that it was an unusual way to vote by proxy, but if that was the democratic order, I suppose that I would

do it. I gave in my vote. I handed it to him, and he went down for Allis, and said he was going after Dave Roberts, who lived about a mile farther. I asked him what authority they had to vote by proxy. He said that was the order of the party. I told him that was all right; then go ahead. I did not go out at all.

Q. Of course they did not receive those votes?—A. They say they did.

Q. They say they did receive them?—A. That is what they told me. They did vote them, and their names are marked voted on the books. I don't know what they did. That night about dark somebody brought me a list of the votes at that box, just so many votes for Hayes, and for Chisolm, and so on. The next morning I knew there would not be so great a crowd in town, and I had no fear. I went out tolerably soon to my office and called Mr. A. B. Overstreet over the street to my office. He remarked to me when he got into my office that "there was no fire in the office; let us go into your store." I asked him, showing him the paper that was in my hand, if that was the vote as polled at the De Kalb box. He said it was. I asked if Squire Brain was in town. He said he did not know whether he was or not. Says I, "As soon as he comes there, Overstreet, will you swear that is the vote polled here?" He said he would. He said, "What do you want to know that for?" "Well," says I, "nothing at all; it don't make any difference; but there were four men came to me this morning and requested me to get you to make that affidavit." He said, "What was that for?" I said, "I supposed, perhaps, that they thought the vote was not that way; that I did not know." He went off, however, but returned directly, and said he had seen McCaughey, who was another one of the registrars, and he said to him that the vote was not correct as handed me last night; that there had been a good many scratched tickets which they had overlooked; and Mr. Overstreet would not make the affidavit. "Well," says I, "that will be all right." Says he, "There were six tickets with Money's name scratched off, and some tickets which had my name scratched off—some democratic tickets." I told him it did not make any difference; that I wanted to get it for these men; and that was what I was after. I was anxious to call Overstreet's attention to it, as he said it was all correct, and that he would make an affidavit that he himself looked at the votes; I told him, of course, I supposed it was all right.

WASHINGTON, D. C., *February* 14, 1877.

WILLIAM W. CHISOLM. Examination continued.

By Mr. TELLER:

Q. Is there anything further that you wish to say to the committee with reference to the matter upon which you were testifying when we adjourned yesterday? If so, go on and state it.—A. Nothing further that I know of with reference to the day of the election.

Q. If there is any personal statement that you wish to make, you can make it now.—A. Mr. Gilmer was asked some questions about some one, two, and three per cent. tax items collected by me when I was sheriff. I would like to make some explanation with regard to that.

Q. Proceed.—A. There was a tax levied in 1869 by the board of supervisors of that county for county purposes—levied upon land, upon the acres of land: one cent upon land given in at such a price, two cents upon

land given in at such another price, and three cents upon land given in at the highest price.

Q. Per acre?—A. Per acre. The tax-books were turned over to me, or, rather, to my brother, (I was doing the collecting and was running the office; it was before my disabilities were removed,) and a number of gentlemen asked me what I thought about the legality of the levy. I told them it was not my business to decide any legal questions; it was simply a matter for them to enjoin the sheriff about, or else to pay the tax; that the board of supervisors left no discretion with me. I had to collect the tax or else I had to be enjoined. A majority of the land-holders of the county enjoined the sheriff from collecting the tax. Some paid the one, two, or three per cent. tax rather than enjoin. That tax was paid over to the county treasurer, and I got his receipt for it. I never heard any man make any complaint about it except Squire Mills, who was a kind of crazy man down there. He paid the tax, and then commenced a lawsuit against me for not paying it back to him. It was my duty under the law to pay it to the county treasurer.

Q. Did you pay it to the county treasurer?—A. I did. I paid it to the county treasurer. Mr. Mills commenced suit against the treasurer, and the circuit and superior courts both decided that I had done right in the premises. There is no other personal matter particularly that I want to speak about except the matter of a pamphlet that was submitted in Mr. Gilmer's testimony and a letter in reply to that pamphlet was submitted in his testimony. That letter I should like to have included in my testimony also. All that I have got to say further is this, that my answer in the paper submitted with Mr. Gilmer's testimony was correct. I have nothing further to say only what I said on the stump in the State, that anybody that said that it was not correct, either the man that published it, or any other man that made the statement that it was not correct, was lying. That is all I have to say on that subject. The fraudulent warrants referred to by Mr. Welsh I wish to make a reference to. Mr. Welsh is the man that makes the charges against me in this pamphlet. He issued about two thousand dollars of warrants while he was probate clerk (not chancery clerk; it was then probate clerk) in that county without authority of law. His attention was called to the fact by the chancery clerk in my presence to show the orders of the board of supervisors for issuing warrants; and he looked over the records and went out without saying anything at all. My attention was called to it as an officer of the court to examine the records of the court and see if I could find any orders of the board of supervisors for issuing those warrants. I examined them carefully with S. D. Chamberlain, a young lawyer there, and we failed to find any orders of the board of supervisors for the issuing of the warrants.

By Mr. MONEY, (representing Mr Kernan:)

Q. You are the W. W. Chisolm who was the republican candidate for Congress in the third Mississippi district?—A. Yes.

Q. You are the W. W. Chisolm who was expelled from a Masonic lodge at Center Ridge, Kemper County, Mississippi?—A. Yes.

Q. There was submitted in evidence the certificate of W. H. Foote, judge of the circuit court of that county; Thomas H. Woods, the district attorney; W. B. Lockett, the foreman of the grand jury, that one W. W. Chisolm was indicted for perjury and forgery in the circuit court in 1868. I believe you are that man, are you?—A. I do not know whether I am or not. Nobody ever presented any indictment against me.

Q. Is there any other W. W. Chisolm there?—A. None other.

Q. You were a secessionist?—A. I voted for secession.

Q. Were you ever in the army in active service?—A. No.

Q. You were a conscript officer?—A. I acted with the conscript board in my town, as I stated yesterday.

By Mr. TELLER:

Q. Do you desire to make any explanation with regard to this indictment?—A. Yes, sir; I do.

Q. Proceed.—A. In 1867, a large number of persons in my county were swearing to their loyalty and making application for lost goods, goods destroyed by Sherman's army that came through there. The most of those affidavits and applications were made before me. Among them was the affidavit referred to by Colonel Money, and I had nothing to do with it either one way or another, and no interest in the matter whatever, except to swear the parties. (Whether they swore the truth or not I had nothing to do with.) They were sworn to their loyalty in making application to get back some property destroyed by Sherman's army. The papers were left in the office for the certificate of the probate clerk at that time, I being probate judge.

Q. What about this indictment? Mr. Money asked you whether you were the man or not.—A. Of course, we all know a grand jury is a secret body, and I know nothing about what the grand jury did; but I learned from several gentlemen that Mr. Welch had been before the grand jury to indict me. There was then getting up in that county considerable feeling against me because I had taken part in trying to carry the county, and did carry the county, for the constitution.

Q. For republican measures?—A. For republican measures. I paid no attention to it particularly. In the fall of 1868 I learned from the papers submitted here (not that any gentleman told me) and from rumor in De Kalb that there was an indictment found against me. That was directly after the heated canvass in that county between myself and the opposition party for the governor and State officers running on the republican ticket.

Q. Have you lived in that county since?—A. Ever since then. I never was out of the county more than six months at a time in my life.

Q. Have you ever been arrested about that matter?—A. No man has ever spoken to me about arresting me upon that charge or any other charge.

Q. Have you ever been called before the court?—A. Never. There has never been a charge preferred against me in that county upon which I was ever arrested except one here a little while ago—a minor offense—and the district attorney had it *nol. prossed.*

Q. It had no connection with this matter?—A. None in the world. I was in the county when the court was in session, and was in the county at the adjournment of the court, and have been in the county all the time.

Q. And still reside in the county?—A. Yes.

Q. Is there anything further you wish to say about it?—A. Nothing further.

By Mr. MONEY:

Q. Did you write that letter? [Handing a paper to the witness.]—A. [After looking.] No, sir; I did not write it.

Q. Is that your composition?—A. I do not know that it is.

Q. Read it, please, and then answer the question. I will ask you first is this your signature to it?—A. Well, sir, some time during the canvass over in Le Flore County, I believe——

Q. Let me have a categorical answer to the question first, and you can explain it afterward as much as you please. I wish to know if you wrote this letter and if this is your signature?—A. I do not think I wrote it; I know I did not write it.

Q. I did not mean the mere manual labor of writing; but is it a copy of one you wrote?—A. I never wrote either; I never wrote any at all.

Mr. TELLER. (To Mr. Money.) What did you mean to ask him; whether that is his signature or not?

Mr. MONEY. That is one thing.

The WITNESS. (Looking at it.) That looks very much like it, with pencil.

Mr. MONEY. You can read the letter. I would rather you would read it first and then say if you wrote it.

A. I know I did not write it.

By Mr. MONEY:

Q. Nor have it written?—A. I know I did not write that letter or have it written.

Q. Is it a copy then?—A. I do not know that it is, sir.

Q. Did you publish that?—A. I say that that signature looks very much like my handwriting, at the bottom.

Mr. TELLER. What is it?

Mr. MONEY. It is a defense that he made against these charges, and which he sent to the papers for publication.

The WITNESS. No, sir; I did not do any such thing.

By Mr. MONEY:

Q. You did not?—A. No, sir.

Q. Did you write it for publication?—A. No, sir; I did not write it for publication. I stated at the time that I could not write a publication until I could get a certificate from the chancery clerk that I could not make my defense until I got that, but that these charges had not been brought against me until I left home, and that I failed to get the proper papers to make the defense.

Mr. TELLER. Was that published in the paper?

Mr. MONEY. Not all of it.

Mr. TELLER. Was any part of it published?

Mr. MONEY. In substance it was, except one particular part that was left out, which I propose to introduce here in this record. I merely wish to put a part in which is in rebuttal of the statement made by this witness that he was forced to resign his office. That is his signature to the copy of the letter he wrote.

The WITNESS. I do not know that that is a copy. I have no evidence of it.

Q. (By Mr. TELLER.) Was that statement contained in the letter?—A. No, sir; I published no letter.

Mr. TELLER. If the witness states that he did not publish any letter and did not write it, I do not think you are entitled to put it in.

The WITNESS. I state, in fact, that I did not write it.

Q. (By Mr. MONEY.) Did you write anything of this kind?—A. No, sir; nor did I dictate it.

Q. Will you state positively, on your oath, that this is not your signature?—A. I state, sir, that I think it is my signature.

Q. Did I not read just that very thing, in substance, at Duck Hill, in your presence?—A. Did I not tell you that that was not my reply to these charges?

Q. Did you deny that you had written it?—A. Did not I tell you that that was not my reply to these charges?

Q. You are on the stand now, not I. Did I not read that very part to you?—A. You did.

Q. Did you not dictate, or cause to be written, or write this that I shall read? I do not say that you published it.

Welch lies to deceive the public when he says I resigned to prevent exposure, &c., and at his demand. The cowardly assassin never opened his dirty mouth to me about resigning from office. I was paid in money every dollar to the full amount of warrants I was entitled to receive from the county for my services as probate judge to the time the office would expire by law. I will always make that kind of a trade, especially when the warrants were only worth twenty-five cents on the dollar. Welch's friends paid me the money, thinking at the time Welch would get one of the crowd in office, so as to steal out of estates then in progress of being passed on by the court.

A. I did not write it.

Q. Did you not procure it to be written?—A. I did not

Q. Did you dictate it?—A. No, sir.

Mr. MONEY. I will ask to have subpœnaed some witnesses who will prove the signature.

The WITNESS. I acknowledge the signature. I state that I think that is my signature.

By Mr. TELLER:

Q. Is there any explanation you want to make about it?—A. Yes, sir; in my speech at Greenwood, I stated about this way: In speaking of this fellow Welsh and his crowd that was hounding after me after I had left home—I was nominated about a month before I left home, and not a word was breathed about me until I had gone away, and Colonel Money went and got some *ante-bellum* papers, thinking they would keep me out of the canvass. I had to come back home and get papers to reply to that. The charges had all been once answered to Governor Alcorn. Welsh's friends said to me that I ought to resign my office; that I was elected by the white people, and that I took sides with the negroes, and that I ought to resign my office, and insisted on my resigning my office. I stated to them that I did not propose to resign my office. I had been elected for a certain period, and that I was ready to perform the services, and, as any other man who had been hired to do labor, I was entitled to my wages. They came back to me and told me that if I would recommend Mr. Gulley for the probate judge's place they would make my wages good if I would resign. I would not state to them what I would do on that subject at all. I wrote to General Ord, who was then commanding the district, and asked him if he would appoint Judge John McRea, of my town, upon my recommendation. He answered me that he would. They returned back to me, and I told them, "You are making a great fuss about my imposing upon the people—about my being a radical, and about the democrats electing me. Now, if you will make good the salary due me up to the time I was elected by the people—I have not failed to do any of the duties of the office—I am perfectly willing to get out of your way." I said that in a speech. They agreed to do it. I then asked General Ord to appoint John McRea, and he did. They then refused to hold court with John McRea, and did not hold the first court at all—did not come into the court with him.

Q. Was he a southern man?—A. Yes, sir; born and raised in Kemper County, but a young man at that time. He is dead now. I wrote to General Ord about it, and they got wind of it, and they sent him a note that they would not hold court with him, because he was a republican. That is the substance of what I stated in my Greenwood speech.

SAMUEL M. SHELTON recalled (at his own request.)

The WITNESS. I desire, if the committee please, to make some little explanation as to a few points in my testimony yesterday. I do not remember whether I was asked if there were any military organizations in my county. Whether I was asked the question or not, however, I desire to say that when Governor Ames called for the militia in my county, the white citizens organized companies for the purpose of being tendered to Governor Ames as militia. They found that the colored people were being organized into militia companies, and they wanted to organize themselves. I received from Jackson a muster-list for the purpose of organizing a company at Raymond; but when I got the company organized, the militia was disbanded, and the whole thing dropped; that was the end of all the military organization that I knew of in Hinds County.

By Mr. TELLER:

Question. When did Governor Ames call for troops?—Answer. He called for the militia—that was after the Clinton riot.

Q. That riot was on the 4th of September, was it?—A. Yes.

Q. Did he make the call as governor of the State?—A. The militia were ordered out. I do not know exactly in what form the order came.

Q. Then you simply did this to respond to the call of the governor?—A. That was the idea of the citizens, so far as I understood it.

Q. For what purpose did he want the militia?—A. For preserving the peace in the State, as he said.

Q. When did you commence that movement of raising troops?—A. I could not tell you exactly, but it was between the Clinton riot and the November election.

Q. Up to that time had you not military organizations in the county?—A. None up to that time.

Q. Had you purchased any arms?—A. I did not. I think, perhaps, arms had been purchased in the county immediately after the Clinton riot.

Q. Is it not a fact that a large quantity of arms had been shipped to that county before that time?—A. Not that I know of. As I stated yesterday, the purchases were made by individuals. I purchased none.

Q. You proceeded, however, to organize military companies?—A. Yes.

Q. How many?—A. One at Raymond, and, I think, one at Utica. Perhaps one at one or two other points.

Q. Were they organized in accordance with the militia law of the State of Mississippi?—A. They were simply brought in——

Q. You are a lawyer, and know whether they organized in accordance with the law or not. That is all that I am asking you.—A. I understand they were. The members of the company designated whom they wanted for officers.

Q. Were those parties ever commissioned by the governor?—A. I do not think there was more than one or two companies organized at all. As soon as the militia was disbanded, it ended.

Q. The governor never called upon them to act, did he?—A. No. As soon as I received the muster-list——

Q. From whom did you receive that muster-list?—A. From Frank Johnson, of Jackson.

Q. Was he a member of the governor's staff, or did he hold any similar position?—A. No, sir. He is a practicing attorney at Jackson.

Q. Does he hold any office there?—A. None in the world.

Q. He is a democrat?—A. Yes. He told me, however, that he got it at the proper office for issuing these muster-lists.

Q. Did you fill out that list?—A. No; the militia movement ceased before I got the thing fixed.

Q. These people were armed, were they not?—A. No, sir.

Q. Were none of them armed?—A. They had their guns, and such things as that; but they were never out, never drilled, or anything of that kind. It was simply a meeting of the citizens, in which they agreed who they would have for officers, and tendering their services to the governor.

Q. On the 6th of September you were not yourself willing to recognize Governor Ames as governor at all, were you?—A. I explained that in my testimony yesterday.

Q. Well, but that is the fact, is it not?—A. No, sir.

Q. You stated in your telegram so.—A. I stated we would not recognize the Ames government, because they offered us no protection at all.

Q. You did not state that in the telegram?—A. No; but you asked me to explain it yesterday.

Q. You telegraphed to General George, the chairman of the democratic State central committee, that you would not recognize the Ames government?—A. "That we do not," I think, was the expression.

Q. But that you would not get into any conflict with the General Government?—A. Yes; that is in the telegram.

Q. How much later was it after that that you were anxious to be enrolled as an addition to Governor Ames's militia?—A. I think two or three weeks. I stated my reason—because we found that the colored people were being organized and getting arms, and we found that it was our duty to do the same thing.

Q. How were they being organized by Governor Ames?—A. By officers appointed by Ames.

Q. They were being organized under the regular militia laws of the State?—A. Yes; so we thought; and there were perhaps one or two white companies mustered in, and these others were prepared and tendered to the governor for organization, under the advice of the chairman of the executive committee at Jackson.

Q. All your business was really transacted with General George, and not with the executive of the State. Is not that so? He was the man to whom you telegraphed when you had any disturbance?—A. We considered him as our counsel and adviser, who communicated with the government. I was one of the committee that went and waited on the governor——

Q. He was a sort of a democratic acting governor?—A. No, sir; he was simply acting as our adviser and counsel.

Mr. TELLER. I should imagine, from the character and the number of the communications sent to him from all parts of the State, that he was running the State government.

The WITNESS. No, sir; it was simply in consultation that we sent him those dispatches; simply for Governor Ames. I desire to explain, also, that I believe I stated yesterday that the registered white vote, as I understood, it in 1875 was twenty-five hundred; but, on reflection, I remember that I was told by the sheriff of the county that it was a little over twenty-eight hundred in that year.

Q. In Hinds County?—A. Yes. I stated yesterday, I think, that the whole registered vote of 1876 was about seven thousand, as I thought.

I don't know what was the registered vote in 1875. I confine my statement to 1876 as to the number of the registered vote.

Q. Is there anything further you wish to say?—A. No, sir.

HENRY R. SMITH sworn and examined.

By Mr. TELLER:

Question. Where do you reside?—Answer. At Canton, Madison County, Mississippi.

Q. How long have you lived there?—A. Since October, 1868.

Q. What State were you from?—A. New York State, although I had been living in Mississippi and Louisiana for four years previous to taking up my residence in Canton.

Q. What business were you engaged in during your residence in Canton?—A. Merchandising and planting. I had been engaged in merchandising and planting before that in Louisiana and up on the Mississippi River.

Q. Do you hold any office under the Government now?—A. Yes.

Q. What?—A. Postmaster.

Q. At what place?—A. Canton, Mississippi; and have done so for the past four years.

Q. Did you take any part in the campaign of 1875 in Canton, Mississippi?—A. Yes; I was chairman of the republican executive committee of Madison County; have been such for the past three years.

Q. Give a history of the campaign in that county, or in any other county with which you are familiar, for 1875. Make it brief and pointed.—A. I do not think there was any disturbance in Madison County in 1875. The parties were organized and the canvass made as usual in 1875, until some time in October. The two parties in that county entered into a compromise. There was one ticket for county officers in that county and there were separate tickets for State officers to be elected and for members of Congress.

Q. State why the compromise was made, if there was any reason for it.—A. There had been a good deal of excitement in other portions of the State, and our people were much excited, especially the colored people, about this trouble in the other portions of the State. They had come to us and asked for troops, and they were fearful there would be trouble, a riot or bloodshed, such troubles as were taking place in other portions of the State.

Q. State what occurred after the compromise was made. Was everything quiet?—A. Yes.

Q. If there was any reason why they were forced into a compromise you may state that; otherwise, it does not make any difference.—A. I will tell you how the compromise was brought about, so far as I know about it. I was called upon one morning by the sheriff of the county, who asked me to come to the court-house——

Q. Were you a member of the republican committee at that time?—A. I was chairman at that time of the county committee. He told me that he had been waited on previous to my coming there by several gentlemen connected with the democratic party, who had said that they had learned that a proposition for a compromise of the ticket had been made by a republican to a democrat of that county, and he wanted to know what I thought of it. I told him at first that I was opposed to it, that I did not believe in it, but I said I would do this: said I, "We can consult together." He said, "Something must be done at once;" that the democrats that day were going to have a meeting from all the clubs of the county at Canton, and that if we were going to do anything

we must do it that day or to-morrow. After leaving him we talked with other members of the party, and it was agreed that we should call a meeting of the executive committee and other members of the party and agree what should be done. That meeting was called, and held the following day. The views of the different members of the committee were submitted and remarks were made by leading republicans, and it was deemed advisable under the circumstances to enter into the compromise.

Q. I want to know what the circumstances were.—A. The circumstances were that there was a great deal of excitement in other portions of the State and they were fearful that those rows that were taking place elsewhere would be brought on in our county if the excitement was to continue.

Q. Had there been any trouble in your county?—A. No; thus far there had been no outbreak, but there was a great deal of excitement pervading the minds of all the people, colored as well as others.

Q. That compromise was carried out?—A. Yes.

Q. And the election was conducted quietly?—A. Yes.

Q. Was the compromise ticket elected?—A. O, yes.

Q. What was this compromise ticket composed of—persons of both parties?—A. The county officers—the sheriff, the chancery clerk, the circuit clerk, the county treasurer, and the coroner and ranger were republicans.

Q. What is the ranger?—A. He takes up stray stock. The cotton-weigher was a democrat; two members of the board of supervisors (there were five in the county) were democrats, and three were republicans. The justices of the peace were equally divided between the democrats and republicans—that is, there were two elected from each supervisor's beat in the county—one was to be a democrat and the other to be a republican, each to be selected by the several parties.

Q. As to the members of the legislature, how was it?—A. The senator was republican. One representative was republican, and two representatives were democrats. That was really the main compromise of the case, except that the democrats insisted that the candidate for sheriff on the republican ticket should be taken off and the old republican's name substituted in his stead. He had been in office for a number of years, and made a very popular officer, and gave general satisfaction; and they were anxious to have been renominated.

Q. What had been the politics of Madison County previous to this time?—A. I can give you the vote for a number of years.

Q. Have you got the registration?—A. Yes. [Looking at a memorandum.]

In 1871 the republican vote of Madison County was	2,790
The democratic vote at the same time was	1,030
Republican majority	1,760
In 1872 (at the presidential election) the vote for the republican candidate was	2,512
The democratic vote at the same time was	765
Republican majority	1,747
In 1873 the vote for governor was, Ames, republican	2,323
Alcorn, democrat	401
Republican majority	1,922

That year there was no opposition run by the democrats to the county officers.

Q. The democrats ran no ticket?—A. No; they ran no ticket in opposition to our county ticket in that county. In 1875 there was a separate State ticket run, as well as a ticket for member of Congress. That was the year in which the compromise ticket was run. In that year the figures were as follows:

The republican State ticket received	2,587
The democratic State ticket received	1,488
A republican majority of	1,099
For Congress, Jason Niles, republican, received	2,481
For Congress, O. R. Singleton, democrat, received	1,583
Republican majority of	898

The candidate for Congress on the democratic ticket received about 200 more votes than the average vote of the democratic ticket.

The registration of Madison County from 1871 to 1876 has been, of the whites, an average of from one thousand to fifteen hundred, and of the blacks, from thirty-five hundred to four thousand. I do not think that there are really as many voters belonging to either party in the county as the highest number given in those figures, because many people go there for duplicate registration-certificates, having lost their first registration-papers. The registration for 1876 was, whites, about fourteen hundred; blacks, about nineteen hundred.

Q. Is that a new registration?—A. Yes.

Q. Is that a full registration of the blacks?—A. No, sir.

Q. Were there any reasons why the blacks who failed to register were not registered?—A. When the board of registration held their first meetings, they visited the different election districts or precincts of the county, and spent one or two days at each. At this time, for some reason or other, they did not understand that it was necessary to procure registration-papers.

Q. Who did not, the voters?—A. The blacks. In fact some of the republicans there in Canton had advised them that it was not necessary, and that they need not do it. I was north at the time, and I heard that they were advising them not to register, and I wrote them and urged every one to register, to be particular in instructing all to register, and to be prepared to vote at the coming election; that there was no reason why they could not register; that it was their duty to do so, and to prepare themselves to be in a position to vote. After finishing registration at the different precincts in Canton, the blacks had a very small majority, I think less than a hundred. The books were then to be opened at the court-house for five days during the week preceding the election. We made a special effort and got a great many to come in to be registered at that time, but owing to the course pursued by the registrars and others, in asking them questions, a great many were prevented from registering.

Q. What was the nature of the questions asked?—A. They were asked to give the township, range, and section in which they resided, and a great many would go down-stairs to the chancery clerk's office and get furnished with a card showing the township, range, and section, and on bringing it up would present it to the registrar, and they would not allow them to register.

Q. Why?—A. Because they would tell them to go and point it out on the map, and if they could not do it they would not let them register.

Q. Was this a democratic board?—A. There were two democrats and one republican on the board, but I will say for the board that I do not think they were allowed to have their own way about it. I think they were influenced by other people who came there and asked the questions.

Q. But the board allowed those questions to be put, did they, by other parties?—A. Yes.

Q. And then they decided that the parties could not be registered?—A. Yes; they would not allow them to register. Captain Pratt, the senator from that district, who was a lawyer, (I guess it was the first day,) heard a great many complaining that they could not register, and were going home.

Q. Was he a republican?—A. Yes; he went there, and the complaint was also made to Mr. Singleton's son that the democrats up there were not acting fairly in this matter of registration; that they were asking questions which the law did not prescribe; that a great many were not being registered for that reason, and Captain Pratt went up-stairs then and made some remarks to the board, and to those gentlemen present, that they were acting contrary to the law; that there was no law compelling voters to be asked such questions as that, and that it was wrong. They then agreed to submit it to two lawyers to be chosen, for their decision what questions should be asked, and the agreement that was made was that if the voter could designate the precinct in which he lived, the voting-precinct, and the portion of the county in which he resided, he would be allowed to register.

Q. Were there any large number of voters deterred from registering by this proceeding?—A. Yes, sir; there would have been several hundred more registered but for that.

Q. What was the character of the campaign in that county in 1876?—A. There was not much of a campaign by the republicans. We attempted to hold a meeting, but that was broken up; and after that we gave up the idea of holding meetings.

Q. Where was that?—A. At Canton.

Q. State what occurred there.—A. I cannot give you the date of the meeting, but the appointment was made by the executive committee of the State, at Jackson. They sent General McKee to Canton to speak. It was on a Saturday, during the month of October; I do not know what date. It was during the session of the circuit court, and we had to wait until the court took a recess before we could hold the meeting. We wanted to hold it in the court-house, or on the steps of the court-house, and we waited until about half past two, having to send parties to see the judge. He said that he would take a recess of the court, or give us an hour, but that he would not agree to do more than that. It was the last day of court, and the court was crowded with business, and he was anxious to finish up that day, consequently he said the court would not take a recess for more than an hour. When we went over to the court-house—I went there with General McKee and other republicans—we went into the chancery clerk's office, and remained a few moments, and while there a number of democrats waited on us, and asked for a division of time. I told them that I would submit the question to General McKee, who was to be the speaker, and if he was willing I was. He said, on my mentioning the matter to him, that he would not agree to a division of time, because we were to be restricted to one hour. It would take him fully one hour to make his own speech; but that if they wanted to reply to his speech after he had spoken, they would be welcome to do so. I also told them that after General McKee

finished his speech, if they wanted to reply to it I would do all in my power to keep the crowd there; that I would ask the republicans to remain and listen to any speech that might be made in reply to General McKee, but that I could not consent to a division of time; that that was the first meeting we had had; and that we had not asked them for a division of time at their meetings, and we only had an hour in which to deliver all that was to be said on our side, and I did not care to divide that time with them. We went out onto the steps, and I introduced General McKee, and he commenced speaking. He first said that this was his first appearance in Madison County for some seven or eight years, and that at that time the republicans were in full power in that county, and the party was well organized; and, said he, "The party at this time is well organized, and prepared to go forward to victory this fall."

Q. You need not go through in detail what he said. State what occurred.—A. General McKee had been speaking in that way for a few minutes, when some one in the audience said, "Tell us something about the radical stealing." General McKee said, "I am glad you mentioned stealing, and I will tell you something about democratic stealing." Then he went on to say that under the administration of the democratic party previous to the war, several millions of dollars had been stolen by democratic officials—money that had belonged to the school-fund, or derived from the sale of school-lands. Before he had finished his remarks about this, somebody in the crowd, I think it was Mr. Devine, in fact I know it was Mr. Devine, called him a liar or said, "That is a lie." At that, General McKee looked at him and said, "You son of a bitch, come up here and call me a liar." As he said that, Devine, who was directly in front of him, some thirty feet, I presume, started toward him, and McKee turned around and stepped back to a large pillar and got his cane in his hand; (he had a cane there.) Then he stood facing Devine and waited for him to come. At that time the people commenced rushing, and a man came from behind the post, or steps, or platform—it is the top of the steps really, leading to the court-house—and shoved or crowded General McKee off the platform. Before he fell, though, Mr. Devine started to come toward him, and was in the act of drawing his pistol, when McKee said, "Don't shoot in this crowd," as he fell from the stand——

Q. Fell by reason of the push, you mean, from the rear?—A. Yes, by reason of the push or by reason of being crowded off—he was pushed, I think, for I was 10 feet in the rear, and saw the whole thing. Devine advanced upon him from one direction, the front, and another gentleman, named Wethersby, advanced upon him from another direction. Just as he spoke, this gentleman, Wethersby, struck him on the head with a heavy cane which he was carrying, and after that General McKee was removed to the sheriff's office in the court-house in an insensible condition.

Q. That broke up the meeting?—A. Yes, sir; the meeting dispersed.

Q. Was there any other meeting after that in the county?—A. None by the republicans.

Q. Was there any further disturbance that night?—A. After our meeting was broken up, the great majority of the people remained there, white and colored. The leading white republicans left the ground to look after General McKee, but the colored people, in a great measure, remained there, and the white people as well. Mr. Lockett addressed them, and a colored man named Phil. Sanders also addressed them.

Q. Those were democrats?—A. Yes, sir. That night General McKee

was removed to Captain Pratt's room, after leaving the sheriff's office. Captain Pratt's room is directly over the post-office, and in the same building. He was attended by a physician. Between the hours of 10 and 11 that night we heard a noise, as though brickbats were being thrown up on the wooden awning in the front and on the side of the building, and we could hear them rolling off. They were not thrown against the house, but thrown on the awning and allowed to roll down. I remarked to a gentleman present that I would not pay any attention to the matter, as it was some of the boys from down town, probably, and that if anybody were to go outside they might injure us, and I would pay no attention to it. About half an hour after that there were five shots fired, three of which came into the room.

Q. Where you were?—A. At that time I was down-stairs in the post-office.

Q. Was General McKee in the room?—A. General McKee was in the room, and Captain Pratt was in the room; and Mark Joseph and R. A. Walker. They were sitting around the stove, except General McKee, who was in the bed.

Q. How did these balls come into the room; through the window or through the side of the building?—A. Through the side of the building. One of them struck an iron safe and the ball split in two, and a piece struck Mark Joseph in the side of the cheek and another piece in the back.

Q. Did it hurt him much?—A. It caused the blood to flow some, but it was not any serious injury. If any of the balls had struck him with full force, they would have gone through.

Q. They would have killed him?—A. Yes; they were fired from rifles, I presume; they were good, large-sized balls.

Q. This was at what time of night?—A. Between eleven and twelve. We were sitting up preparatory to taking General George C. McKee to the train which left about one o'clock, to go to his home in Jackson. After this firing we considered it best for him to remain there that night, thinking something might happen to him.

Q. Did you look out to see who did this firing; or did you make any examination?—A. No; we did not think it was safe to do so.

Q. Was anybody ever arrested for it, or punished?—A. No, sir.

Q. You do not know who committed it?—A. No; I have heard it rumored, of course, but know nothing about it.

Q. That is mere report?—A. That is all.

Q. Did you ever hold any republican meetings after that, in the county?—A. No, sir.

Q. Did you make any effort to do it?—A. No, sir.

Q. Why not?—A. We were afraid they would be broken up in the same manner as the other. We did not think it necessary, and did not think it would be of any use to do it.

Q. What was the vote at the last election there?—A. The vote for the Hayes electors was thirteen; for the Tilden electors the vote was fourteen hundred and seventy-three.

Q. Have you got it figured out as to how many did not vote that were registered?—A. Yes, the registration was 3,300 and there were 1,486 that voted.

Q. Did the whites appear to take an interest in the election, as far as you observed?—A. Yes, sir; they very generally voted, I think.

Q. What was the colored vote generally in that county, as far as you know—is it republican or democratic—I mean are the colored people democrats or republicans?—A. They are republicans. I do not think

there are any number of democratic voters among the colored people in Madison County; that is, colored people, I mean, who will vote the straight democratic ticket, with the intention to do so or with the desire to do so.

Q. From the condition of things in the county did you consider it possible to hold a fair election in that county during the last campaign?—A. Well, I do not think we could have made a canvass of that county without a great deal of trouble.

Q. Do you mean without danger of loss of life?—A. I do. I think we would have trouble if we attempted to make a canvass in that county.

Q. Were the democrats pretty well organized in that county?—A. Yes.

Q. Did they hold political meetings or did their clubs do so?—A. Yes. I never attended any of their meetings, but they were holding them all the time, two or three times a week.

Q. At what place?—A. Not all at our place but they held one very large meeting at our place.

Q. They held meetings, you mean, all around the county?—A. Yes, there was a great deal of enthusiasm among their people; more than among our people.

By Mr. SINGLETON, (representing Mr. Kernan:)

Q. Are you a Federal office-holder?—A. Yes.

Q. What office do you hold?—A. Postmaster.

Q. How long have you held that office?—A. Four years.

Q. What other office have you held in the county of Madison since you have been there?—A. I was once cotton-weigher, appointed by Governor Alcorn, and at another time was a member of the city council. I never have been a candidate for any elective position by the people, since I have been a resident of Madison County.

Q. You say there was no disturbance in Madison County in 1875?—A. No, sir.

Q. Do you know of a single human being that was intimidated by threats or by violence, in the year 1875, in the county of Madison?—A. No, I do not.

Q. In the compromise referred to in your testimony, was it not understood that the proposition came from the republican party?—A. It was stated that a leading member of the republican party, in a conversation with a democrat, had made the proposition for a compromise.

Q. That was a friendly compromise between the parties?—A. Yes.

Q. Was it carried out in good faith?—A. Yes, sir.

Q. Were the members of Congress and the State democratic officers embraced in that compromise?—A. No, sir; there was a contest by both parties over the candidates for those positions.

Q. What majority did you say the county was carried by, for the republican member of Congress that year?—A. About seven hundred.

Q. Was it a full, free, and fair election?—A. Well, it was; so far as my knowledge extends, it was a fair election.

Q. Eighteen hundred and seventy-five, I am speaking of now. Is that the year you refer to?—A. Yes, sir; I think there was a pretty full vote polled at that election.

Q. Had any difficulties occurred in the county of Madison between the parties up to the time of the compromise?—A. No, sir; we had no difficulty. I will say this much in that connection, that the management of affairs in Madison County by the republican county officers had given general satisfaction to the people of the county, and there had

been less political excitement prevailing in that county than almost any other in the State of Mississippi; owing to that fact, I think.

Q. Do you not know the fact that Captain Ross as sheriff, that Pingree as circuit clerk, and Mr. Jeffrey as chancery clerk, had made themselves very popular with the democratic party, and were commended for their good management in their offices?—A. Yes, sir; it was generally spoken of by the people of the county that they were good officers.

Q. There seemed to be no prejudice in the public mind against any of these officers?—A. None whatever that I ever heard of.

Q. On the compromise ticket, how many white men and how many colored men were run?—A. There was a colored man for coroner and ranger. There was a colored man for member of the lower house of the legislature. There were two members of the board of supervisors, and one or two justices of the peace who were colored men.

Q. Did the democrats support these colored men for the several offices under this compromise?—A. Yes, sir; so far as I heard of, they did.

Q. Is it not a fact, that after the year 1868, when the "constitution" question was up, there was very little organization in the democratic party, until the year 1875?—A. Well, it was not so well organized as it was during the years 1875 and 1876.

Q. Was it not a fact that several of the elections went by default—without an opposition ticket?—A. Without opposition so far as the county officers were concerned.

Q. Is it not true that in 1873 the democrats took very little interest in the election as between Alcorn and Ames?—A. Yes; the smallest vote ever polled was that year—four hundred and one votes for the whole county.

Q. So that there was no thorough organization that year of the democratic party?—A. No, sir; they did not seem to care whether Ames or Alcorn was elected. I think, generally, they rather favored Governor Ames, but did not care to vote for him, on account of his being on the republican ticket.

Q. So that in the election of 1875 you can make no complaint against those democrats of Madison County as to unfair dealing, or intimidation, against the colored people?—A. Well, I never myself saw any act of intimidation during that year in Madison County, as I said, before the compromise entered into——

Q. Has there not been in the county of Madison, ever since the surrender, a better state of feeling between the parties, and less trouble, than in almost any county that you know of?—A. Yes. I will state, in this connection, this fact, that I think there are among the democratic party in Madison County more reasonable and just men than in any other county in the State of Mississippi. I believe that to be a fact.

Q. Let us come now to the year 1876. You say that the colored people of the county—the republicans—had been advised not to register.—A. Yes, sir; by somebody.

Q. Members of your own party?—A. Yes.

Q. You advised them to the contrary?—A. Yes; as soon as I heard of it I wrote to them. I was in New York at that time. I wrote, telling them that that course was wrong, and that they must register or they would not be allowed to vote.

Q. Then, in the first registration that took place, when they were going around from precinct to precinct, the colored voters did not register their full strength?—A. No.

Q. They only got 100 majority, I think you said, over the whites, when the registration closed?—A. Yes, sir.

Q. Under our law the registration was to be continued before the election for how many days?—A. Five days.

Q. At the county-seat, Canton?—A. Yes.

Q. Are you familiar with the registration law as it passed our legislature?—A. I am not, sir.

Q. Have you ever examined its provisions in reference to what showing is necessary to be made in order to be entitled to regis[illegible]at the county-seat?—A. No, sir; I never read it.

Q. Will you undertake to say that questions were asked the voters on the day of registration there, such as were not authorized by law?—A. Well, I cannot answer that question, because I am not familiar with the law. I have stated in my other testimony what questions were asked them.

Q. Were not the same questions put to white and colored people as they came up to vote?—A. I cannot say as to that. I was not present except on one occasion, when I went to register myself.

Q. Then what you have stated is only from information derived from others, and not from your own knowledge?—A. From what the parties who registered told me themselves, that they had been asked these questions.

Q. You did not hear those questions asked yourself about the township, range, &c.?—A. No, sir; they came from the parties who had been registered themselves.

Q. Do you not know the fact that before the interrogatories were settled upon, which were to be put to the voters, the matter was referred to some lawyers in the town of Canton?—A. Yes.

Q. And the law examined and their opinion given upon the subject?—A. Yes.

Q. Do you know anything about whether the candidate for Congress at that time was present at that meeting?—A. I understood he was. I do not know.

Q. I mean the democratic candidate.—A. That is the party I mean.

Q. Do you not know the fact that the statute was taken, and that the interrogatories were written out exactly as the statute prescribed, and that that was laid before the registrars and they were advised not to ask any questions except such as were laid down in the list?—A. I only know from general information that those lawyers prepared an opinion with regard to the law, and that it was submitted to the registrars.

Q. Was that satisfactory to Captain Pratt and other republicans there?—A. I understood that it was, sir.

Q. The questions, then, which you think delayed registration were asked, you say, by outsiders?—A. Yes, I think they were not put by the registrars themselves, but by other people who were present there and who asked these questions.

Q. Do you not know this fact, that white voters were asked the same questions as were colored voters, and that not being able to answer as to the district in which they lived, they had to go to the clerk's office and get information on that subject?—A. I do not know that of my own knowledge, but I suppose it was so.

Q. Then, at the first round of the registrar, the colored people did not register in their several beats, because they were advised not to do it?—A. Partially for that reason, and partially for the reason that many of them did not think it was necessary to have new registration papers.

Q. Under the law, is it or not necessary when a party goes to the

town of Canton to register (on the last round) that he shall state the district in which he lives, his locality, in order that he may be prevented from repeating votes? Does not the law require that, and have you not so understood it?—A. I have so understood it, that people must give the supervisors the district in which they reside.

Q. If these interrogatories were not put to the voter, and his district or locality were not ascertained, might there not be room for the repeating of votes?—A. I suppose so, but I suppose if a man wanted to register twice, he would be able to do so whether this question was asked him or not. Colored men are not easily identified, and if they want to register twice, I suppose they could do so.

Q. I understand you to say that the information you have upon the subject of the mode of registration you derived from others, and that you did not personally witness what was going on, and did not know of your own knowledge what occurred?—A. Well, I was up there registering myself for a few moments, and I saw what was going on at that time. The other information I received from the parties who had been up to register. They stated that they had not been able to register on account of these questions being asked them.

Q. Can you name any person who was up there to register and was unable to do so by reason of being asked these questions?—A. No, sir; I cannot remember. They were colored people generally.

Q. Did you see any person turned off while you were up there?—A. I saw them refused.

Q. On what account?—A. On account of their not being able to answer the questions.

Q. The questions that were propounded to them?—A. Yes, sir.

Q. They could not tell what district they lived in?—A. At that time they were asking them these other questions.

Q. Who were asking them these other questions?—A. These people.

Q. Some outsiders?—A. Parties outside there who pretended to be the challenging committee, or something of that kind. I don't know what they were. They were democrats and pretended to be a challenging committee, but there were a great many of them, more than one committee-man of them.

Q. You speak of a meeting at Canton at which General McKee attempted to speak. Do you know that he was advised that day not to speak in a tone of harshness, but to be quiet?—A. No, sir; I do not.

Q. Have you not heard that Captain Rose had so advised him?—A. I think I saw it in the testimony.

Q. You said that General McKee fell. Do you mean to state that he got off his feet at all? I mean when he got off the platform. You said that when he fell they struck him. Do you mean to say that when he had fallen they struck him?—A. He was pushed or crowded off.

Q. Did he alight upon his feet?—A. He didn't fall on his head, or anything of that kind.

Q. The impression left by your testimony seemed to be that he had fallen, and that after he had fallen, and while down, he was struck?—A. No, sir, it was not that; but he was not altogether in an upright position when he was struck.

Q. You say that General McKee reached for his cane when he was called a liar?—A. He was standing on the platform, and Mr. Divine was right in front of him, and the pillar was right near. He got his stick and looked him right in the face.

Q. And General McKee invited Mr. Divine to come up to the front

of the stand and make that charge against him?—A. He told him to come up there and call him a liar.

Q. And Divine started?—A. Yes, sir.

Q. You think he was pushed off. Was he pushed off or did he jump off?—A. He didn't jump off; I am certain of that; I was not more than ten feet behind him, and had my eyes on Mr. Divine and General McKee, watching them to see what was going to happen.

Q. Was there a considerable crowd around?—A. Yes.

Q. You say they commenced to crowd up as soon as the thing occurred?—A. Yes.

Q. Do you say he was pushed off intentionally, or was it by an accident, if he was pushed off?—A. I do not know the man's motives at all. In fact, I did not know the man; I did not see his face. The man's back was to me when he went up to General McKee.

Q. General McKee was prepared with his stick in his hand for the set-to, was he?—A. I don't know what his intentions were about fighting, but he had his stick in his hand when he was looking at Mr. Divine and inviting him to come up there; it was a simple cane.

Q. Do you not know that he said, "If you come up and call me a liar, I will crack your head with this stick?"—A. I did not hear him say that.

Q. Was there any more excitement?—A. No, sir.

Q. The people remained there, you say, and heard speeches afterward?—A. A large number of the audience did.

Q. The colored people?—A. White and colored. They waited to see what was going to turn up. One speech was made by Colonel Luckett and one by Phil. Saunders.

Q. You say Saunders is a democrat?—A. Yes.

Q. Is it not true that he has been voting with the republican party up to this year?—A. Not to my knowledge. I don't think Phil. has voted for a number of years. He passed through the excitement of the canvass for the adoption of the constitution, and was laboring then in the interest of the democratic party that year.

Q. Laboring against the constitution?—A. Yes. He worked for the democratic candidate. Since then I don't think he has taken any part in politics at all, except this last year. He has made a few speeches. I am on friendly terms with Phil., and know him very well. Have had a good deal of business with him.

Q. He is an excellent man, is he not?—A. Yes; I consider him a good man.

Q. And a preacher of the gospel?—A. Yes; he is an industrious, thriving colored man.

Q. You said you didn't think any number of colored people were democrats?—A. No, sir; I don't think they are.

Q. Do you not know that they have a good many of them in the democratic clubs in the county of Madison?—A. Not to my knowledge. There are a few members in each club in Canton—not over fifteen in each club.

Q. Do you know anything about clubs there; whether there are any in clubs at other places?—A. So far as I have been able to ascertain—and I have made inquiries of the colored people as they came to Canton this last fall, especially the members of the county executive committee. I asked them if any numbers of the colored people were joining the democratic clubs, and they said not.

Q. Do you not know, of your own knowledge, that there were in the club at Livingstone and at Madison Station a very considerable number of

colored people who were in uniform, and who were in procession with the democrats whenever they held their meetings?—A. No, sir; I do not know it. I never attended a meeting at either of those places.

Q. Then you don't know whether there are or not?—A. No, sir.

Q. Do you remember the demonstration just before the election when Colonel Lamar spoke in that county?—A. Yes.

Q. Did you not see a number of colored democrats in the procession that day with red shirts on?—A. There were a number, but not a great many.

Q. There were more than twenty, or thirty, or forty, or fifty, were there not?—A. There might have been fifty in the procession.

Q. Do you not know that there were several hundred there?—A. Not in the procession. There were a great many colored people in town that day, and a good many attended the meeting.

Q. But is it not a fact that you saw more than a hundred colored democrats that day with red shirts on?—A. No, sir; I did not see them.

Q. Did you look and see whether there were or not?—A. I saw the procession as it passed the post-office. I did not go to the grounds.

Q. Did you not know the fact, at least from information derived from others, that on the Monday before the election took place there was a democratic procession or meeting at Breckville, or Cook's Shop, or in that neighborhood, and that all the colored people there joined the democratic party there that day?—A. I have heard that there was a meeting at Cook's Shop on the Monday previous to the election, at which a number of clubs came from Yazoo County, composed largely of colored men, and that at that meeting Mr. John Hartrom, a white man, who had been acting with the republican party, made a speech declaring in favor of the democratic party, and after that, a number of colored men joined the club, how many I do not know.

Q. Did you not understand that every man, woman, and child on the hill joined the club that day?—A. No, sir; I did not. I understood that they went up and shook hands with you—if you call that joining the club.

Q. Do you not understand that they came up and asked to have the red ribbons or badge put upon them, and that they did, every one of them, take a badge that day?—A. No, sir; I do not. I never heard of it before.

Q. Were you present on the day that the election took place in 1876—last fall?—A. Yes; at Canton.

Q. Did you hear speeches made there by Mr. John Hardy and the candidate for Congress, and by Major Foote, requesting the colored people to come up and vote?—A. I heard Major Foote speak, and heard the democratic candidate for Congress speak, urging the colored people to come up and vote, saying that they would be allowed to do so.

Q. Do you not remember that the democratic candidate for Congress said to them that if they wanted to go to the polls—though he was not in the habit of walking arm in arm with colored people—yet he would take their arm, and that they could vote as they pleased and nobody should molest them?—A. He did say so.

Q. Do you not know that notwithstanding that, they staid off and would not vote?—A. Yes; those that were there would not vote.

Q. Mr. Handy and Major Foote made speeches to the same effect?—A. I did not hear Mr. Handy's speech. I heard Major Foote.

Q. Was it to the same effect?—A. Yes; he urged them to come up and vote.

Q. Did you hear the speech of Wash. Smith, a colored republican there?—A. No, sir; I did not hear that.

Q. Now was it not a fact that the colored republicans of Madison County refused to vote at the last election?—A. Well, they didn't vote, that is the fact.

Q. Do you know of any reason why they could not have voted on that day if they had chosen? If they wanted to do it was there anything to prevent them, that you know of?—A. Not at Canton, that I saw.

Q. Do you know of anything at any other point?—A. I could not tell about any other portion of the county. I was nowhere but there.

Q. Do you know of any threat or intimidation used to keep them away from the polls?—A. I did not hear of any.

Q. So far as the election of that day was concerned, was it not as full, free, and fair an election as you would wish to witness?—A. I can't say that it was full. On election-day at Canton it was very quiet and peaceable, and I saw no excitement of any kind. There were fewer people than usual about. They were standing in small groups together talking, but there was no unusual excitement. It was quieter than usual owing to the fact that there was no opposition.

Q. You said that on the night that General McKee was knocked down and beaten, after he had been knocked down, and had got into a room, some persons unknown to you came and shot into the house?—A. Yes.

Q. Do you know whether those were white people or colored people, or who they were?—A. I do not know who they were, of my own knowledge.

Q. Do you not know that the citizens of Canton and the country generally condemned most heartily the conduct of whoever was guilty of that shooting on that night? I ask you if it did not meet with general reprobation?—A. There was a general expression of indignation at the outrage—at the shooting into Captain Pratt's room that night—on the part of the whole people of Canton; the settled citizens.

Q. Did you ever hear anybody approve of it?—A. I did not.

Q. Was this the only disturbance that you know of in the county of Madison during the last election?—A. That was the only one that occurred of my knowledge.

By Mr. FISHER, (representing Mr. Teller:)

Q. You stated that this throwing of brick-bats on the awning of Mr. Pratt's room in the evening, (after the disturbance,) and the firing into the building by parties unknown, was very generally and heartily condemned by the better class of citizens in that community?—A. Yes.

Q. Did you ever see this paragraph in the Canton Mail, a democratic paper printed in Canton, Miss., dated October 14, 1876?

Some lawless persons, we do not know who, (and we are glad that we do not know,) about midnight last Saturday night went to the northeast corner of court square and fired several shots into the room of F. B. Pratt, esq., over the post-office. Several parties were in the room at the time, and one of the bullets, after crashing through the weatherboarding and plastering, struck an iron safe. A fragment from this bullet struck Mark Josephs on the cheek, but fortunately did no great injury, though Mr. J. bled profusely. This lawlessness is very properly condemned by all good citizens of our town.

A. Yes, sir; I saw that.

Q. Have you seen any other reference to this paper, made by the Canton Mail, subsequent to this, condemning it?—A. I think so.

Q. Can you state the purport of it?—A. I cannot exactly. I think it has been mentioned since, may be, on one occasion. I cannot remember the purport of it.

Q. Are the officers of your town republican or democratic?—A. They are democratic; the city is democratic.

Q. Is your mayor democratic?—A. Yes, sir.

Q. Do you or do you not know that the mayor has made any effort, any special effort, to ascertain who these parties were and have them arrested and punished?—A. Not to my knowledge.

Q. Have you ever heard of an effort being made in that direction?—A. No, sir.

Q. By any party?—A. No, sir.

Q. Was the circuit court of your district in session at Canton at that time?—A. Yes.

Q. Was any investigation of the affair before the circuit court or the grand jury permitted, that you heard of?—A. We have had no grand jury since that time. At that time the grand jury had adjourned. It was the last day of court, and we have had no grand jury since that time.

Q. Who is this man Weathersby whom, I believe, you said struck General McKee at the court-house meeting?—A. He is the city marshal of Canton.

Mr. SINGLETON. He is not now; he was then.

Q. (By Mr. FISHER.) Was he arrested for making the assault on General McKee, or was anything done with him for making that assault?—A. No, sir.

Q. Did he strike General McKee in the capacity of an officer? Did General McKee make any attack on him to warrant him in striking him?—A. No, sir.

Q. Did you hear any expressions made with reference to General McKee when he was being carried from the court-house to Senator Pratt's room? Was there an expression of this kind used by democrats who were in proximity to the general as he was being carried to the room, "God damn him, he has not got half enough yet," or words to that effect?—A. I did not hear it.

Q. Did you hear of any such expressions being used by any party?—A. I heard people say that it served him right; generally young men.

Q. I want to ask you in reference to the compromises which you spoke of being made in Madison County between the republicans and democrats in 1875. What did you regard your legitimate republican majority in Madison County to be in 1875?

Mr. SINGLETON. I object, as calling for the witness's opinion.

Q. (By Mr. FISHER.) What do you regard your legitimate republican majority in Madison County to have been in 1875, had you had a free and fair election?

Mr. SINGLETON. I again object.

The WITNESS. From fifteen to eighteen hundred.

Q. (By Mr. FISHER.) Yet you say you made a compromise which admitted a number of democrats on your ticket?—A. Yes.

Q. Now I will ask you specifically why that compromise was made.—A. Because the republicans were afraid that the scenes of riot and bloodshed which were taking place in other counties would take place in our county if the canvass was continued and the excitement which was prevailing at that time was increased.

Q. Then there was a considerable degree of excitement in your county at that time?—A. Among all classes of people, white as well as colored people, everybody was excited.

Q. Will you please state the nature of the excitement?—A. A general struggle, or general political contest, on the part of each party, each

striving by every means possible to carry the election, and the excitement grew out of that. The fact that the people were bound to carry the State of Mississippi that fall was the general impression of everybody.

Q. In this striving to carry the county, did both parties resort to the same means? Was there violence apprehended by the republicans from the democratic side if they prosecuted the canvass without the compromise?—A. There was.

Q. If this compromise had not been made, were there good grounds of apprehension of violence in the county?

Mr. SINGLETON. I object to the question as calling for the witness's opinion.

(Question waived.)

Q. (By Mr. FOSTER.) I will ask you directly what the republicans had to fear if this compromise was not made?—A. They had to fear a row.

Q. Created by whom?—A. By the democrats.

Q. What were they proposing to create a row about?—A. That is a pretty long story.

Q. I want the story.—A. That year, in Madison County, the young men in the democratic party were taking a great interest in the canvass, and they were very much excited, and the older portion of the community were fearful that they could not control these young men; that they would get excited, and that from them rows would come—from the young men, not from the older class.

Q. How old are these young men?—A. Well, they are young voters; most of them have grown up since the war. Some of them I do not believe were voters, and some, perhaps, were casting their first vote, or had cast their first vote the year previous.

Q. You say there were apprehensions on the part of the old citizens that they could not control these young men?—A. Yes.

Q. Did the republicans share that apprehension?—A. Yes.

Q. To what extent was this feeling indulged in throughout the county, that the young men would take hold in the county, and that they could not be controlled? Did it extend beyond Canton?—A. Yes, sir; there was a general fear on the part of the colored people throughout the whole county, which was caused mainly by the excitement in the adjoining county—a good deal by the excitement in Yazoo County, which is separated by Big Black River.

Q. Does it adjoin Hinds?—A. Yes; it adjoins Hinds as well. Parties from there were coming into our county, telling of the political troubles there, and that had its effect on the colored people. They were coming to the prominent republicans all the time and telling them that they were very much excited, and that the white people were going to carry the election, and that they were afraid, and that if we did not have troops to go to Canton, they would not be able to vote, or would be afraid to vote the republican ticket. There had been no scenes of violence at that time. In fact, there has never been any riot or demonstration of riot in Madison County with the exception of the McKee affair, but the troubles in other counties caused the feeling to prevail among the people in Madison County that rows would take place there if the political excitement continued.

Q. Did you hear of any political clubs being disbanded in Madison County in 1875 before the election?—A. I don't think there were any.

Q. You do not think there were any disbanded?—A. No, sir. I know of a drum that was put aside. They said that the beating of the drums excited the people.

Q. Excited whom?—A. The democrats.

Q. How did they beat their drums?—A. At night. They said it was exciting the people.

Q. Did they molest anybody by beating the drums?—A. Not that I heard of.

Q. Had they not been in the habit of beating drums in former campaigns there?—A. Yes; there was a general and strong feeling against their beating drums. Why, I don't know; but there was an intense feeling on that subject.

Q. You never heard of that feeling existing in the county before 1875?—A. Not to such an extent. The democrats complained that it frightened the women and the children, and kept them in a continual state of excitement, whenever these clubs beat the drums.

Q. For what purpose did they beat the drums?—A. For calling the clubs together, or whenever they marched.

Q. As any other political party would do that had a band?—A. Yes.

Q. Were there any democratic bands in that county at that time, or have there been since?—A. I don't think there is a democratic band composed of drums and fifes (as our was) in Madison. There is a full brass band in Canton, composed entirely of democrats.

Q. Did you ever hear of any complaints of that band playing, or any other democratic band in that county?—A. No, sir; I think we would have got along very well in Madison County in 1875 if these troubles had not taken place in other counties adjoining. People were constantly coming in, democrats as well as republicans, from those two counties, telling the people what was going on, and that made trouble in our county, or tended to do so more or less.

Q. And you apprehended trouble if you did not make this compromise?—A. Republicans generally did. At the meeting at which the question was submitted to the republicans, whether we should have the compromise or not, I did not cast any vote. That meeting was attended by a full committee, and a large number of the prominent republicans, and it was generally believed that it was the best and wisest course to pursue. They all said they did not like the idea of doing it, but under the circumstances, rather than have any riots or rows or bloodshed, it would be better to compromise. We were getting the county officers and losing two members of the legislature. It was generally thought by republicans there that the lower house of the legislature was gone up any way, and that it would be better, that it would be really a benefit to the colored people, because it would save them trouble of one kind or other, and keep down bad feeling on the part of their employers, if that compromise was entered into. I know that I did not vote upon it at all. There was only one man at the meeting that voted against it, and he was a colored man.

Q. Was it not then a matter of self-preservation to the republicans and the republican party in the county that you should have made that compromise?

Mr. SINGLETON. I object to the question, as calling for the opinion of the witness.

(Question waived.)

Q. (By Mr. FISHER.) I ask you if you ever made a compromise, or if any compromise was ever made, before that time between the republicans and democrats of that county?—A. No.

Q. Did you ever hear of a similar compromise being made in any democratic county in the State of Mississippi?—A. No.

Q. Did you ever hear of a proposition coming from republicans to

democrats in a democratic county to make such a compromise?—A. No.

Q. You say that certain republicans had advised the colored people not to register this year?—A. Yes.

Q. Will you give their reasons, as far as you know them, for giving that advice?—A. The idea, as they told me afterward, was that it would not do, in coming to register; that they would be able to carry the election; consequently they had better sit still and do nothing. That is the idea they told me.

Mr. SINGLETON. I object to the witness giving outside statements, or statements of what other parties said about it.

By Mr. FISHER:

Q. Please state who General McKee is, whether he was a member of Congress from your district.—A. He was formerly a member of Congress from the fourth district of Mississippi, of which Madison County is one of the counties.

Q. How long did he serve in Congress?—A. He served in Congress three terms.

Q. Has he the reputation of being a pretty fair man in his speeches?—A. Yes, sir; I regard him as rather a conservative republican, and have always done so.

Q. Did you ever hear any of his speeches?—A. A good many of them.

Q. What is the general character of them?—A. They are of a conservative nature.

Q. Did you ever hear him say anything inflammatory?—A. No, sir; his speeches were republican. I did not mean to say that they were of a "conservative" nature. They were republican speeches.

Q. Was there any reason to apprehend that he would make anything but a republican speech on this occasion?—A. Not in my mind. I had not thought of anything of the kind. He had been sent there to speak, and I supposed he would deliver his speech. In fact, I did not think there would be any trouble at all. Several persons asked me if there would be any trouble, and I said I thought not. I said the people there had too much sense.

Q. Was General McKee, to your knowledge, advised before the meeting not to make a speech?—A. Not to my knowledge.

Q. Or if he did speak, to speak in very moderate tones?—A. No, sir; I do not know of it.

Q. Nothing of that kind, so far as you know?—A. Not so far as I know.

Q. On your cross-examination you stated, I believe, that the colored men had been urged to vote at the last election?—A. Yes; on the day of election they were urged to come up and vote.

Q. Did it ever require urging heretofore, or prior to 1875, to have them vote the republican ticket?—A. No, sir; they have generally taken a great interest in the election, and they have always come up there and voted.

Q. Always voted?—A. Pretty generally.

Q. Until 1875?—A. Until 1876.

Q. How many republican votes were cast in the county this year?—A. Thirteen.

Q. Did the republicans have a band at this meeting?—A. There was one drum used to call the people around the town to the meeting. A colored man went around the court-house beating a drum.

Q. What became of that drum?—A. Destroyed—cut up.

Q. Do you know who destroyed it?—A. I know who they say destroyed it. I did not see it destroyed.

By Mr. SINGLETON:

Q. Are you stating now what you know yourself, or simply what you heard?—A. I know that the drum was destroyed. The drum belonged in the post-office, in my building, and the hoops were brought back there; nothing else. The head was cut out of it.

By Mr. FISHER:

Q. Is that all you know of your own knowledge?—A. I know that the drum was destroyed, but I did not see the party destroy it.

Q. Do you suppose the republicans destroyed the drum?—A. I do not.

By Mr. SINGLETON:

Q. You were asked if any effort was made to find out the parties that shot into Captain Pratt's room. Do you know whether there was any effort made or not?—A. No, sir; I do not.

Q. They have not been able to find out, to your knowledge, who it was?—A. No, sir.

Q. Would it not be a difficult matter to find out parties who committed these sort of things at night?—A. I think it would be a difficult matter to convict the parties of it.

Q. These things are done in the dark generally?—A. Yes, and by several parties, and I do not think that if their friends knew them they would tell on them.

Q. You say it was the last day of the court, and the grand jury was discharged, and there has been no grand jury since?—A. Yes; that is what I said.

Q. I will ask you to state now whether or not, under the republican rule in Madison County, we have had a board of supervisors consisting of five colored men, and not a white man on it?—A. Yes.

Q. How many of these men who could write his name; was there anybody but Jeff. Jones that could write his name?—A. Yes; I think there were.

Q. Who were they?—A. About three of them.

Q. Which ones, will you please say?—A. Jeff. Jones, Edward Dickinson——

Q. He could not write his name, could he?—A. I have seen it.

Mr. SINGLETON. He was on my plantation for years. I know him well, and I know he could not write his name. That is a matter well known.

The WITNESS. I have seen it. Ben. Harrison could write a letter and so could Jeff. Jones; but beyond that none of the rest of them could.

Q. Do you not recollect that he was not on the board at the beginning?—A. That is so. The first board was composed of one white man and four colored men. The white man afterward resigned and a colored man was elected to fill his position, which made five members of the board of supervisors.

Q. Were they all republicans?—A. Yes.

Q. Elected by republican voters?—A. Yes.

Q. At the last election, (1876,) in a democratic convention, did not the democrats nominate a colored man and elect him to the legislature from that county?—A. Yes.

Q. Was it not the opinion of both parties, white and colored, that in 1875 it would redound to the interest of the people to make a compromise ticket?—A. Yes.

Q. And did they not go into it with good feeling, and with the purpose of avoiding what might be a collision?—A. Yes.

Q. I think you said that no collision had ever occurred in that county?—A. No collision had occurred between the whites and blacks, or between any number of republicans and democrats.

Q. Do you not know that on one occasion or more, in the town of Canton, when a colored man has been arrested for some offense on the streets he has been rescued from the possession of the officers by a colored mob?—A. At one meeting several years ago, held at Canton during the canvass of 1873, the city marshal attempted, for some purpose or other, to arrest a colored man belonging to one of the clubs, and the members of the club prevented him from arresting him. I do not know what the offense was. I think he was making a little louder noise than he ought to make. It caused some excitement at the time, but it was forgotten soon afterward.

Q. Was he taken from the officer?—A. The officer was prevented from arresting him; I do not think the officer really had him in his custody.

Q. Were you present on one occasion when Captain Pratt was making a speech at the east door of the court-house, and a question was propounded to him by Amos Drain, a colored man, and the mob took him in charge and used him up, and the sheriff had to beat the mob off and take him up to the court-house and lock him up?—A. Yes; I remember that occurrence. That was at a meeting at the court-house. I have forgotten who was speaking, but Amos Drain was asking some questions, and the crowd surrounded him, and the sheriff took him away. Amos Drain had formerly been a republican, but at that time I could not say what he was—whether he was a republican or a democrat. He was doubtful. He was doing a good deal of blowing and talking.

Q. I will ask you whether or not Sheriff Ross interposed to save him from the crowd and took him up into the court-house and locked him up to keep him from trouble?—A. Yes.

Q. Had he been a republican before that time?—A. Yes.

Q. Had he been a member of the legislature elected by that party?—A. He had been a member of the constitutional convention. Amos was defeated for the legislature.

Q. But he was elected by the republican party as a member of the constitutional convention?—A. Yes.

Q. What is the proportion of colored men in the county of Madison compared with the number of white men?—A. About three to one.

Q. You spoke of drums beating, and of republicans and democrats (as I think you said) requesting that it should cease?—A. Yes.

Q. I ask you now if it did not become a nuisance by reason of these colored men traveling up and down the roads at night at all sorts of hours, late and early, disturbing the people?—A. That was the complaint, that it was causing excitement and alarm among the people.

Q. Do you not know that you have yourself heard those drums, at pretty much every hour of the night, beating in the neighborhood?—A. I cannot say that I have heard it so much in Canton as, perhaps, they did in the country, because I had control, in a great measure, of such matters in Canton, and would not allow them to do it. They always complained against me that I would not let them do it as much as they wanted to.

Q. Did not leading democrats ask not to have this done?—A. Yes.

Q. And in accordance with their suggestion it was stopped?—A. Yes; we agreed that the drums should not be beaten again. We determined not to give them any cause for complaint on that subject.

Q. I will ask you whether or not in 1875 a compromise was made in the county of Washington between republicans and democrats, and a mixed ticket run and elected from that county that year?—A. I don't know anything about that at all.

Q. Have you heard it?—A. I have seen a statement of the fact in a newspaper, but know nothing about the nature of the compromise at all, except that there was a mixed ticket of some kind.

Q. Are you satisfied in your own mind that the refusal to vote on the part of the colored people of Madison County, at the last election, was owing, in a large measure, to the advice given them by the republicans not to vote?

Mr. FISHER objected to the question as calling for the opinion of the witness.

A. No, sir; I do not think it was. There was not any general understanding among the republicans on that question. We had a meeting of the executive committee of the county at which the proposition was made whether we should continue the contest and do what we could to bring out the votes. A resolution was passed that it should be left to the discretion of the republicans of different sections of the county whether or not they should attempt a canvass and vote. There was no understanding—there was no advice emanating from the committee in our county.

Q. I am speaking about the committee now. What I ask you is this: You said in your answer to an interrogatory put to you, that that advice had been given, and in order to counteract it——A. That advice was, not to register.

Q. Then I ask you whether or not you do not believe that the registration, as well as the voting, was influenced to a considerable extent by the fact that the parties had been advised not to register, and consequently not to vote?—A. More people would have registered at the first meeting had not republicans advised them not to do so; or that it was not necessary to do so. Afterward, the republicans advised them to register at the last session of the board. I know that to be a fact.

Q. Still you do not answer my question whether you are not satisfied that it had the effect to keep the colored people away from the registration, and from the polls—the advice given them by the republicans?—A. It had the effect to keep them from getting registered. What effect it had upon keeping them away from the polls, I do not know myself.

Q. You state that the apprehension of trouble grew out of the fact that difficulties had occurred in other counties, and not from the fact that difficulties had occurred in the county of Maddox, as I understand?—A. No difficulty had occurred at that time in Madison County.

Q. Do you know of any threats made, or anything of that kind?—A. There was a good deal of talk on the part of the democrats in our county, but there were no threats, as far as I knew, of having a row or anything of that kind.

By Mr. FISHER:

Q. I wish to inquire whether, if there had been any very great effort made in Canton to ascertain who these parties were that fired at the building, you would or would not likely have heard of it?—A. I presume I would. I hear almost everything that is going on in Canton, and am on very friendly terms with the people there, all of them, and talked with them all, and know almost everything that is going on there.

Q. What would have been the result of the election in Madison

County, in your opinion, if there had been a free and fair canvass, and a free and fair election in 1876, having your clubs organized as formerly in the various parts of the county, and conducting the campaign as you had been in the habit of conducting it in years past—unmolested?

Mr. SINGLETON. I object to the question as hypothetical.

A. I think we would have carried it by about the usual majority.

By Mr. FOSTER:

Q. What was the usual majority?—A. From fifteen to eighteen hundred.

By Mr. SINGLETON:

Q. But you had no clubs organized?—A. The clubs were not organized, and no general canvass was made.

Q. You made no effort to organize them?—A. No canvass was made by the republicans.

JAMES H. NEVILE sworn and examined.

By Mr. SINGLETON, (representing Mr. Kernan.)

Question. State your place of residence.—Answer. Scooba, Kemper County, Mississippi.

Q. How long have you lived there?—A. I have resided in that county since January, 1875, and in Scooba since July, 1875.

Q. What is your profession?—A. I am a lawyer.

Q. Did you take any active part in the canvass of 1875 in the county of Kemper?—A. Well, yes; I made speeches in different portions of the county.

Q. Will you please state to the committee what was the character of the canvass as it was conducted in Kemper County, in 1875?—A. So far as I could see, it seemed to be very peaceable. Speeches were made by both republicans and democrats. When any appointments had been made I made speeches in the county and the republicans made speeches.

Q. Were they interrupted at all at any of their meetings?—A. I never saw any interruption, nor heard of any that I know of.

Q. Was each party allowed to conduct the canvass according to its own plans?—A. Yes, sir; according to its own ideas.

Q. Were you present on the occasion of the speech made by the candidate for Congress in De Kalb, in the campaign of 1875?—A. Yes; I was present.

Q. Will you please state to the committee the tone of that speech?—A. It was very conservative. He addressed his remarks to the colored people, to their reason, and urged upon them to support the democratic ticket, showing up the extravagance of the administration of the republican party. He called upon them to unite with the democratic party in restoring good government to the state.

Q. What seemed to be the impression made upon the colored people by the speech?—A. Very good; I have heard several speak of it in that way.

Q. Was there any exhortation to anybody to use force or intimidation to carry the election by improper means?—A. No, sir.

Q. Were you present at a barbecue, given at Scooba a short time before the election of 1875?—A. I was.

Q. Who addressed the people on that occasion?—A. Colonel Lamar and General Lowry were the speakers that I heard.

Q. What was the tone of their speeches?—A. Very conservative.

Q. Were they conciliatory?—A. Yes.

Q. And conservative, you say?—A. Very conservative.

Q. Were there many colored people present?—A. A good many; an unusual number, so I have heard.

Q. They seemed to pay considerable attention to the speaking?—A. Yes, sir; they were very attentive.

Q. In the election of 1875, was there any disturbance or were there any threats or intimidation on the part of the democrats toward the republicans?—A. None, sir, that I ever heard of; but on Saturday before the election three men came from Jackson, Mississippi, and represented themselves as deputy United States marshals. I paid no attention to it, but supposed that if they were deputy United States marshals they had been sent there by authority of law, until I heard of some very violent speeches that they had been making and language that they used, tending to excite the colored people and the white people, and bring about probable bloodshed. I then telegraphed to General George. My telegram, I think, is in the Boutwell Report on the Mississippi Election of 1875.

Q. State who General George is.—A. General George is chairman of the democratic executive committee of the State of Mississippi, and the only person with whom I was acquainted in Jackson at that time.

Q. Can you turn to your telegram, and his answer, in the Boutwell Report?—A. Yes, sir.

The witness then read from the Boutwell Report, as follows:

SCOOBA, MISS., *October* 30, 1875.

General J. Z. GEORGE:

Gilmer reached this place this morning with four United States deputy marshals. Says he is going to make arrest for intimidation. Would you advise us to submit to an arrest? No intimidation has been used. Confidential. Answer.

JAMES H. NEVILLE.

On the same day I received the following in reply:

J. H. NEVILLE, *Scooba:*

No such deputies have been appointed. So says the United States marshal.

J. Z. GEORGE.

General George then telegraphed for me to come to Jackson, and I left on Saturday night, reaching Jackson on Sunday morning. Mr. Lake himself informed me that no such marshals had been appointed, and that he knew nothing of their going there. I returned and reached home Monday morning, and found that a good deal of the excitement had subsided, as they had left the place.

Q. These three parties that came there with Gilmer held themselves up to the people as deputy United States marshals, did they?—A. Yes, sir.

Q. And made republican speeches of an inflammatory character?—A. I was so informed; I did not hear their speeches, but I was credibly informed that they did.

Q. You are satisfied that they did, from what you heard?—A. I am satisfied that they did from what I heard from parties.

Q. State what took place in regard to the registration-boxes at Scooba and at De Kalb just prior to the election of 1875. State the whole matter.—A. I know nothing with regard to what occurred at De Kalb. I know what occurred at Scooba. On Monday, Mr. Orr and Mr. Spencer, who were the managers of election—Mr. Spencer, rather—came to me, and informed me that he did not have registration-books, and that he did not know what he would do. I went to Mr. Orr, who was the republican manager, and asked him if he had them. He said he did

not have them, that he did not know where they were; that they had never been sent to him. Mr. Spencer informed me also that they had not been sent to him. We then sent, I think, a messenger to De Kalb to find out what we could with reference to the books, and the messenger returned on Monday night, I think. I know that on Monday evening, late, we had heard nothing of the registration-books, but on Monday night about 10 or 11 o'clock I heard read a note which had been written by Mr. Gilmer to Mr. Orr, sent down probably by Mr. Ellis—at least it came to me through his hands—informing Mr. Orr where the registration-books could be found. A copy of the note is to be found in the Boutwell Report on Mississippi.

Q. Where were the books?—A. The books were in Mr. Gilmer's safe.

Q. Gilmer was candidate for sheriff at that time?—A. Yes; the books were in the safe of the house of M. B. Woods & Co., and he was considered as a partner of the house. In his note he said they were there.

Q. The registrars said to you that they did not know where they were?—A. Not the registrars, but the managers of election. They stated to me that they did not know where the books were.

Q. From what you know and from what you saw there during that campaign and some days before, was Mr. Gilmer's life in danger in Scooba?—A. I do not think it was, sir. I do not think there was any person in Scooba who would have done Mr. Gilmer any injury.

Q. Do you know of anybody else who would have done so?—A. I do not, sir.

Q. When he left there, as he stated, and went to De Kalb, as far as you know, was there any danger of anybody's using violence?—A. None that I know of and none that I ever heard of.

Q. You say you do not know, of your own knowledge, anything about the books at De Kalb?—A. No, sir.

Q. Had you heard it currently reported where the books were; what became of them?

[Objected to by Mr. Pease, representing Mr. Teller.]

A. Yes; I was informed by three or four parties that the books were in the safe in the sheriff's office.

Q. (By Mr. SINGLETON.) Who was sheriff then?—A. Judge Chisolm.

Q. Was he a candidate for office?—A. He was a candidate for sheriff in that election; for re-election.

Q. And he had control of the registration-books?—A. I heard that they were in his safe in the sheriff's office.

Q. Do you know how they had gotten out of that safe?—A. I was informed that there was a committee appointed to wait upon him in regard to the books, and he turned over the keys, as I have always been informed, to his wife and the deputy sheriff, and they went and delivered them to the chancery clerk, the proper custodian of them.

Q. Do you know whether he had refused to give them prior to that time?—A. I do not. I do not know whether he had ever refused to give them up prior to that time or not.

Q. Did you hear the testimony of Colonel Gilmer the other day?—A. Part of it.

Q. Did you hear that part of it which gave an account of his leaving De Kalb and going into the woods?—A. No, sir; I do not think I heard that.

Q. From what you know of the people there and their disposition, in the election of 1875 were those gentlemen in danger of any bodily harm from anybody?—A. None, sir. I think that they were not.

Q. Did you understand the temper of the citizens there, and did you

speak with the citizens and know what their feelings were generally in the matter?—A. I did, sir.

Q. Did you hear anybody propose to do any violence to those gentlemen that they should be compelled to take to the woods?—A. None in the world. There seemed to be a general impression and desire on the part of the people there to have a fair and free election.

Q. Do you know whether in that election the colored people and republicans were advised not to vote, or advised to stay away from the polls?—A. I understand that in different parts of the county they were advised not to vote; that they were advised to stay away from the polls.

(Mr. Pease objected to any statement by the witness of what he had heard.)

The WITNESS. I know a great many voted at Scooba, and a great many did not vote. A great many voted the democratic ticket.

Q. (By Mr. SINGLETON.) Did you have any disturbance there on the day of the election?—A. None in the world, that I saw.

Q. Did you have any disturbance in any part of the county that you know of?—A. None that I heard of.

Q. Everything, as far as you saw or heard, was quiet?—A. Yes.

Q. And the election progressed as ordinarily?—A. Yes.

Q. Do you know whether or not an opportunity was afforded to Judge Chisolm to make a speech on the same day that the candidate for Congress addressed the people at De Kalb, in 1875?—A. Yes, sir.

Q. Was he not called for by the people?—A. I do not know as I heard the people call upon him to speak, but I heard several going around who said that they were going to insist upon his making a speech. I was not present when Colonel Singleton finished his speech, but I came up shortly afterwards, and I heard them going around—several prominent men in the county—saying that they were going to urge him to speak.

Q. Was he or not present taking notes during the speaking?—A. He was; I saw him doing it.

Q. Did he or not have an opportunity to make a speech that day, if he desired to do so?—A. Yes, sir; he did.

Q. How many representatives do you have in your legislature from your county?—A. One.

Q. Here is the report of the official vote of the election held November 7, 1876, in which Kemper County is put down as having polled 1,597 democratic votes and 904 republican votes. Is that correct?—A. It is correct, as far as I know or have been informed.

Q. This is an extract from the official journal, is it not? [Indicating a paper in his hands.]—A. Yes.

Q. It purports to be the official vote.—A. Yes.

Q. Was there a full registration and vote, as far as you know, in the county?—A. Yes, sir.

Q. An average full vote and registration?—A. As far as I know.

Q. Judge Chisolm, in his examination, as I read it, said that the registration of the county had been about four thousand. You have examined the census for 1870; is that a correct statement that you gave me of the number of black and white persons in that county? [Handing a paper to witness.]—A. It is.

Q. That shows how many there were altogether.—A. Yes.

Q. State the figures.—A. The white population is given as 5,706, and the black population, 7,214; total, 12,920.

Q. Is it not considered that one voter to every five of the population (men, women, and children) is a fair average?—A. Yes.

Q. How many voters would that give in the county?—A. Two thousand five hundred and eighty-four.

Q. If there had ever been a registration of 4,000, there would have been almost one in every three?—A. Yes.

Q. Were you in Kemper County during the canvass of 1876?—A. Yes.

Q. Took an active part in it yourself?—A. Yes, I canvassed it.

Q. Did you speak in all parts of the county?

(Objected to by Mr. Pease.)

A. I was in the county of Kemper in 1876, and made an efficient canvass of the county; I canvassed the eastern and western portions of the county.

Q. Did you visit the county generally?—A. I did.

Q. And saw nearly all classes of people, did you not?—A. Yes; black and white.

Q. What was the feeling throughout the county in reference to this election?—A. I, of course, talked and conversed more with the white people than I did with the colored people, although I conversed with a great many colored people also. The feeling on the part of the white people to organize and go to work, and do all they could to get the colored people, by persuasion, to vote with them, and cast a full vote, was very strong; and appeals were made to those who probably had not registered to come up and register, so as to be prepared to vote on the day of election. The eastern portion of the county was more densely settled with colored people, I suppose, than any other portion. The portion in which I lived had colored clubs organized; I visited those clubs by invitation, and made speeches to them, and a good many colored people joined the club to which I belonged in Scooba. There were one or two other places in the eastern portion of the county which I visited. Upon one or two occasions I saw colored people joining the clubs, and the members of clubs informed me that they had a very large number of colored people in them.

(Mr. Pease objected to any statement by the witness of what he was informed.)

The WITNESS. I talked with a good many colored people who did not belong to the clubs, and they said that they were not going to vote either way; that they had been voting the republican ticket and it had never done them "any good," to use their own expression, and that they did not expect to vote with them.

By Mr. SINGLETON:

Q. Was there a full registration and vote in that county?—A. I think there was.

Q. According to the census, there was about all that they were capable of, I suppose?—A. Yes.

Q. Do you know anything further about the election there?—A. There is nothing else that I know, save that the canvass, as far as I know, was conducted quietly and peaceably; and that the opportunity, upon the day of election, was afforded to all to vote as they chose. The election in all places was very quiet and orderly.

Q. On one occasion it is stated in the testimony of Judge Chisolm that you and he had a debate at Scooba, I believe?—A. Yes.

Q. How did that pass off; was anybody in danger that day?—A. I do not think that anybody was in any danger at all. Judge Chisolm spoke in reply to a speech that I had made. While he was speaking, I believe he was interrupted by some one in the crowd. I could not say posi-

tively who it was that interrupted him, I did not know at all, but as soon as he was interrupted I got up and told the crowd that I had invited Judge Chisolm there to discuss the political issues of the day with me, and that I wanted them to give him a patient hearing.

Q. Did they hear him after that?—A. Yes.

Q. And he finished his speech?—A. Yes.

Q. Without any disturbance?—A. None in the world.

Q. And he came to no harm?—A. None in the world that I knew of.

By Mr. PEASE:

Q. I think you stated that there was no danger of any bodily harm to Judge Chisolm on the day of the meeting at Scooba; was that your statement?—A. Yes, sir; I stated that I did not know of any danger at all.

Q. What led you to request the crowd to listen to Judge Chisolm?—A. Because I had invited him there to enter into a discussion of the issues of the day with me, and I wanted them to hear him speak.

Q. Had there been any disposition not to hear him speak?—A. Some one interrupted him. I do not suppose that the crowd was responsible, though, for the action of some drunken man.

Q. Were you present at the time he was interrupted?—A. I was.

Q. What was the interruption? State the character of it.—A. I really forget now. I believe I may safely say, though, that Judge Chisolm was reading some piece from the New York Tribune, probably some years back—Mr. Greeley's opinion of Mr. Tilden—and I know that while he was reading that paper—probably I was not paying very much attention to the reading of the Tribune article; but while reading the extract from this paper, I heard some one say that it was a lie.

Q. State whether or not there were several men present, a man by the name of Thomas and a man by the name of Carr, and several others, who stated at this time, (at the time the lie was passed,) that the crowd should take him down, or called upon the crowd to take him down, referring to Chisolm.—A. I did not hear it.

Q. Do you not know it did occur?—A. I do not.

Q. I think you stated that there were a great many colored people that you met with in the clubs that were not disposed to vote at all?—A. Yes.

Q. Did they assign any reason why they did not vote?—A. They said that they had been voting with the republican party, and that it had done them no good as they said, and they did not expect to vote with their party.

Q. How many colored men ever told you of that?—A. I declare I could not tell. I was thrown with a great many colored people during the canvass. I was thrown with them a good deal in my office.

Q. Can you state the name of any one of those who told you that they had been voting with the republican party, and it had done them no good, and that they were not going to vote with that party any longer? Give me the name of one such colored man in your county.—A. I might if I was to think of all that I heard talk about politics. There are very few negroes in the county whom I know by name. There was one negro, I remember, whose name I think was Frank Giles.

Q. You think Frank Giles told you so?—A. I think that was his name. I know he is a Giles negro.

Q. Have the negroes in Kemper County been in the habit of voting generally the republican ticket?—A. Not since I have been there.

Q. How long have you been in the county?—A. I came into the county in January, 1875?

[illegible]orrow
[illegible]re again.
[illegible]re I leave

[illegible]NEVILLE.

Q. Where did you move from?—A. From Sumter, Alabama.

Q. You say the negroes have not been voting the republican ticket since you came there in 1875?—A. Not as a general thing.

Q. Have they been voting the democratic ticket?—A. I wish to explain. I understand when you ask me—as a general thing—the negroes—all?

Q. Yes.—A. Well, there have been a good many who voted the democratic ticket.

Q. Well, tell us how many.—A. I cannot tell. I really never counted. I know a great many who have told me that they voted the democratic ticket.

Q. You have stated that a good many joined the club at Scooba?—A. Yes.

Q. How many colored men joined it?—A. In 1876, in canvassing in the other portions of the county, and having business elsewhere at the time the club met in Scooba, I don't think I was ever at more than one or two of their meetings—not more than four, at any rate; but I think I could call to mind the names of some of them if I sat a little while, and had time to remember.

Q. Can you not approximate the number? It is in your town, and you ought to be able to know the number. You stated that a good many joined the club at your place. Were there five?—A. Yes, I suppose there were ten or fifteen on the club-rolls. I think there were about ten or fifteen. I would not state accurately.

Q. Were there not some who had joined your club, who had been in the habit of voting the democratic ticket before, and had been regarded as democrats?—A. Some who had voted the democratic ticket, and some who had been regarded as not having voted before, and some who had voted the democratic ticket. So I was informed. I know nothing about the number prior to 1875, nor how they voted.

Q. You know nothing about it prior to 1875, and you know nothing about the transactions in your club, because you say you were absent?—A. Most of the time. I think I have seen the club-rolls, however.

Q. I think you stated in your examination-in-chief that there was a feeling on the part of the white people to organize, and do all they could by persuasive means to get the colored people to vote?—A. Yes, sir.

Q. Do you or not know that there was a determination on the part of the white people of Kemper County to control the vote of the negro to carry that election anyhow? Was not that the determination?—A. Not that I know of. There was no such determination that I was ever aware of.

Q. Don't you know that that was the policy adopted in many other counties in the State by the democratic party?—A. I do not.

Q. Are you in the habit of reading the newspapers?—A. Yes.

Q. Did you ever hear anything of the democratic editors or newspapers calling upon the white people to carry the election at all hazards?—A. I may have done so. I don't remember the particular paper now; if you should ask me as to any particular paper that had such editorial in, I could not probably remember.

Q. You stated that you had been in the county but a short time, hence you would not have any knowledge of former political canvasses all?—A. No, sir.

in repu You know nothing of the registered vote there?—A. Nothing of he was n knowledge.

think you referred in your testimony to a certain telegram that o General George. Who is General George?—A. He is chair-

man of the democratic executive committee—was at that time—the State executive committee.

Q. I think you stated that that telegram contained language in substance inquiring whether you should submit to arrest by these marshals, did you not?—A. Yes, sir. I would state that I did use that language in the telegram.

Q. That was before you ascertained the fact whether or not these marshals were properly and legally deputized to act in the capacity of marshals?—A. Yes.

Q. You are a lawyer, and it is to be supposed that you understand the powers and prerogatives of officers of the law. Why did you send such a telegram as that to the chairman of the democratic committee to know whether or not you should submit to arrest at that time?—A. I had cause to believe that they had no authority to act as United States marshals, and that they were there without warrant of law or authority. I would like in this connection to read that telegram again:

SCOOBA, MISS., *October* 30, 1875.

General J. Z. GEORGE:

Gilmer reach this place this morning with four United States deputy marshals; say he is going to make arrest for intimidation. Would you advise us to submit to an arrest? No intimidation has been made. Confidential. Answer.

JAS. H. NEVILLE.

Q. I observe that in this telegram you state that "Gilmer reached this place this morning with four United States deputy marshals."—A. Yes.

Q. "Say he is going to make arrest for intimidation. Would you advise us to submit to an arrest?" What was your answer to the question which I propounded to you a while ago?—A. Now, if you will allow me to go on and explain——

Mr. PEASE, (interposing.) I do not want any explanation.

The WITNESS. I want to explain why I sent the telegram.

Q. Not just now. My question is why you asked information from General George as to whether or not you should submit to arrest.—A. Because I did not believe that they were United States marshals, or had any authority to act.

Q. In your telegram you state that Mr. Gilmer has arrived with "four United States deputy marshals."—A. I suppose I sent the telegram from what I had heard, that they were United States marshals, and I knew that General George would find out.

Q. In your telegram do you not assign as a reason for asking this information that there had been no intimidation, and that for that reason you wanted to know whether or not you should submit to arrest?—A. I did not assign that as a reason to know whether we should submit to arrest. I simply stated that as a matter of information to him.

Q. I think you stated in your examination-in-chief that there was no danger—no cause for danger to be apprehended on the part of Mr. Gilmer, at the time he went from Scooba to De Kalb?—A. I did state so.

Q. I think you stated also, in substance, that there was no cause for any apprehension of danger on the part of Mr. Chisolm?—A. Yes.

Q. Now, will you state whether or not you sent this telegram to General George:

SCOOBA, *November* 3, [1875.]

Gen. J. Z. GEORGE:

The managers of election here have never been regularly notified. Meet me to-morrow night. I don't believe the people of Kemper will allow Chisolm to come back here again. Had I better examine the board of registrars as to appointment of managers before I leave for Jackson? Great excitement here.

J. M. NEVILLE.

A. Yes, sir; I sent that telegram.

Q. I think you stated that everything was peaceable and quiet during the election of 1875, and that there was no disturbance there; that was what you stated, was it?—A. Yes.

Q. Yet in this telegram you conclude by saying "Great excitement here"?—A. Yes, sir.

Mr. MONEY. The witness's testimony was that Chisolm was not in danger in 1876. Now, you make on top of that the conclusion that there was no danger in 1875. That is not in accordance with the witness's testimony.

Mr. PEASE. You can cross-examine him as to it. I think I am right.

Q. In your testimony relating to the condition of affairs in that county in 1875, did you, or did you not, state that there was a peaceable and quiet canvass—in substance did you not state that you never heard of any disturbance in that year, and that there was no cause for apprehension upon the part of either Mr. Gilmer or Mr. Chisolm, of any bodily harm?—A. I will answer that question by saying that I replied I knew of no disturbance in 1875.

Q. You knew of none?—A. I knew of none; and I also stated that at the time that Mr. Gilmer left Scooba, and Mr. Chisolm left for De Kalb——

Q. [Interposing.] That was in 1875?—A. Yes; that there was no danger.

Q. And your telegram to General George, which I have just read, was sent in 1875?—A. Yes; it is very easily explained. I would like to explain it.

Q. You can explain it when I get through, upon the call of the other side. You said something about the registration-books of the county being deposited in somebody's store?—A. Yes.

Q. And that you made inquiry as to where they were, &c. On what day was this that you made this inquiry for the books?—A. On Monday, I think.

Q. The Monday preceding the election?—A. The Monday preceding the election, which was on Tuesday, I think.

Q. What are the names of the parties?—A. Mr. Spencer and Mr. Orr.

Q. Who was Mr. Spencer?—A. He was one of the managers of election at that place, I believe, at that time.

Q. What time of the day was it on Monday?—A. I do not remember. Some time during the day; probably in the evening. I don't remember the exact time.

Q. Do you not know that Mr. Spencer was a clerk in this house where the books were said to be deposited in somebody's safe?—A. On November 2, 1875, I don't know that I inquired. I know it now. I believe he was. He had been, I know.

Q. And he was a democrat, also?—A. Yes.

Q. Then what cause had you to be so apprehensive about these books, if they were in the possession of a democrat, who was connected with that house?—A. I had no cause whatever of apprehension. I simply wanted to know if everything was going to be regular for the election next day. That was the only reason why the question was asked. I don't know that it could be called a consultation. I was simply asking a question.

Q. Who is the proper custodian of the registration-books?—A. The chancery clerk, I believe.

Q. Who were the proper custodians of the books during the registration?—A. I suppose the registrars.

Q. Do you not know that they are?—A. I can't say that I do, because I never read the section of the code in reference to it. I don't know that I can swear positively in regard to it. I know that the chancery clerk was the proper custodian, because that question was considerably agitated.

Q. There was one democrat on the board of registrars, was there not, during the registration of 1875?—A. There was.

Q. Was there more than one?—A. Only one, I think. The board of registrars, you mean, in the county?

Mr. PEASE. Yes.

A. Yes; only one, I think.

Q. You stated that, at the time Colonel Singleton and others spoke in Kemper County, they discussed the political questions of the hour, and spoke of the extravagance of the republican party. Did they arraign the republican party of that county for extravagance in the administration of affairs?—A. I don't think they did.

Q. You do not think they mentioned that?—A. I did not hear it.

Q. The affairs of the county under republican administration have been honestly conducted, have they not?—A. I have heard complaint about it, but I know nothing of it myself.

Q. You know nothing of your own knowledge about it?—A. No, sir; I never investigated into the matter.

By Mr. MONEY, (representing Mr. Kernan:)

Q. You said you had doubts about these men who reported there being deputy marshals. In your telegram you state that they were "marshals" simply for brevity?—A. Yes.

Q. It is customary, in sending telegrams, to put in just as few words as possible, is it not?—A. Yes; the idea of my telegram was to find out positively from the marshal whether such deputies had been appointed.

Q. What did you desire to explain as to the telegram which you sent to General George?—A. I wanted to explain the telegram fully. I stated that I had at the time heard that Judge Chisolm had left De Kalb, and that Mr. Gilmer left Scooba, and that there was no danger. In this telegram to General George I had said that I did not think the people would allow Chisolm to return from this fact: On the Tuesday during the election the people in my part of the county had, for the first time, heard of the manner in which these registration-books had been put away in Judge Chisolm's safe, and that he had refused to deliver them.

Q. That was the cause of the excitement?—A. That was the cause of the intense excitement, and there was a bitter feeling against him on that account.

Q. Is there any further explanation that you desire to make to the question as put to you by the other side?—A. Nothing that I think of now.

WASHINGTON, *February* 15, 1877.

GEORGE E. HARRIS sworn and examined.

By Mr. TELLER:

Question. Where do you reside?—Answer. My residence is Hernando, Mississippi; my official residence is Jackson, Mississippi.

Q. How long have you resided in the State of Mississippi?—A. I have resided there nearly thirty-three years.

Q. What State are you a native of?—A. I am a native of North Carolina.

Q. Have you ever held any public offices in the State of Mississippi?—A. Yes, sir.

Q. State what office you have held, either State or national.—A. First and last, I have held several offices there. I was a member of the board of police in the county before the war. During the war I held a commission office in the army.

Q. What commission did you have?—A. First lieutenant.

Q. In what army?—A. The Southern army.

Q. The confederate army?—A. The confederate army. After the war I held the position of district attorney for the seventh judicial district of the State. After that I was in Congress, the Forty-first and Forty-second Congresses. I am at present attorney-general of the State.

Q. Were you elected attorney-general, or were you appointed?—A. Elected.

Q. When were you elected attorney-general?—A. Elected in November, 1873.

Q. What is your profession?—A. I am a lawyer by profession.

Q. A white man?—A. Yes, sir.

Q. Have you been engaged in politics in Mississippi for the last few years?—A. More or less, since 1869.

Q. You have resided at the seat of government since you have been attorney-general, have you?—A. For three years; yes, sir; the three years last past.

Q. Have you been there most of the time?—A. Yes, sir; nearly all the time.

Q. You may state what you know about the legislation in the State of Mississippi for the last three years, since you have resided there and since the change in the administration.—A. That is published in the books. The legislation is published in the books.

Mr. TELLER. Mr. Pease says he wishes to inquire about it. I do not know what is wanted. If you have anything you wish to state, you may state it.

Mr. HOOKER. I will suggest that the witness has very properly said this is a matter of publication.

Mr. TELLER. He may produce the book after he has called the attention of the committee to the subject, if he wishes to.

The WITNESS. There is much legislation since the change of the administration of the State that is objectionable, to which I might refer if you wish.

Mr. TELLER. That is what I wish you to do, if you have any special desire to do so.

Mr. HOOKER, (representing Mr. Kernan.) You are asking what his opinion is in regard to the legislation.

Mr. TELLER. I asked him what his objection was, and he may produce the legislation for the purpose of showing whether or not it is objectionable. I do not know myself what is to be proved by this witness.

Mr. HOOKER. I will interpose an objection to this evidence.

(Objection overruled.)

The WITNESS. I find in the pamphlet acts of 1876, on page 12, an act of the legislature, approved March 12, 1876; that I regard as unconsti-

tutional *in toto*, and an attempt by the legislature to abrogate the constitution of the State upon the subject.

By Mr. HOOKER:

Q. What is the title of the act?—A. The title is "An act to provide for the filling of vacancies in office, as required by section 13, article 5, of the constitution of this State."

By Mr. TELLER:

Q. Do you now refer to the whole act, or only to some portion of it?—A. I refer to the whole act.

Q. Designate what particular objections you have to it. We will put the whole act in evidence. You had better give the section of the constitution which you think this act violates, and then we will follow that with the statute.—A. I refer to article 5, section 17, of the constitution.

Q. Read that section.—A. It is:

When the office of governor shall become vacant by death or otherwise, the lieutenant-governor shall possess the powers and discharge the duties of said office, and receive the same compensation as the governor during the remainder of the said term. When the governor shall be absent from the State or unable from protracted illness to perform the duties of his office, the lieutenant-governor shall discharge the duties of the said office, and receive said compensation, until the governor be able to resume his duties; but if, from disability or otherwise, the lieutenant-governor shall be incapable of performing said duties, or if he be absent from the State, the president of the senate *pro tempore* shall act in his stead; but it there be no such president, or if he is disqualified by like disability, or be absent from the State, then the speaker of the house of representatives shall assume the office of governor, and perform said duties, and receive the same compensation as the governor. And in case of the inability of the foregoing officers to discharge the duties of governor, the secretary of state shall convene the senate to elect a president *pro tempore*.

I quote also the provision in regard to creating the office of lieutenant-governor. Article 5, section 14, is as follows: "There shall be a lieutenant-governor, who shall be elected at the same time, and in the same manner, and for the same term, and shall possess the same qualifications as the governor."

Q. Now you may read the statute which you complain of as having abrogated that section of the constitution.—A. It is in these words:

AN ACT to provide for the filling of vacancies in office, as required by section 13, Article V, of the constitution of this State.

SECTION 1. *Be it enacted by the legislature of the State of Mississippi*, That when the office of governor shall become vacant, by death or otherwise, and there shall be no lieutenant-governor, the president *pro tempore* of the senate shall possess the powers and discharge the duties of the office of governor, and receive the same compensation as the governor, during the remainder of the term; and if there be no such lieutenant-governor nor president *pro tempore* of the senate, then the speaker of the house of representatives shall possess the powers, and perform the duties, and receive the same compensation as the governor: and if there be no such lieutenant-governor, nor president *pro tempore* of the senate, nor speaker of the house of representatives, the secretary of state shall convene the senate to elect a president *pro tempore*, and the president *pro tempore* so elected shall possess the powers, perform the duties, and receive the compensation aforesaid: *Provided*, That whenever the powers and duties of governor are devolved, as aforesaid, upon the president *pro tempore* of the senate, the senate shall elect another one of their number to discharge the duties of president *pro tempore*.

SEC. 2. *Be it further enacted*, That section 106 of the revised code of 1871 be, and the same is hereby, so amended that all appointments made by the governor thereunder during the session of the senate shall be made by and with the advice and consent of the senate.

SEC. 3. *Be it further enacted*, That section three hundred and ninety-four (394) of the revised code of 1871 be, and the same is hereby, repealed.

SEC. 4. *Be it further enacted*, That this act take effect and be in force from and after its passage.

By limitation, March 21, 1876.

It gives the power to the president of the senate *pro tempore* to act as governor for the full term, dispensing with the governor and lieutenant-governor, both, as it seems.

Q. Is there any governor in the State of Mississippi?—A. The president *pro tempore* of the senate is acting as governor now.

Q. Was there any governor elected at the last gubernatorial election?—A. Yes, sir.

Q. Who?—A. Governor Ames.

Q. Did he resign?—A. Yes, sir.

Q. Was there any lieutenant-governor elected?—A. There was.

Q. Who was that?—A. Lieutenant-Governor Davis.

Q. Did he resign?—A. I believe he did, under charges. He had been impeached, and resigned before the judgment of the impeachment court passed upon the charges.

Q. Who is serving now, under the provisions of this chapter, as acting governor of the State of Mississippi?—A. J. M. Stone.

Q. Under what provision of this statute is he acting; was he president *pro tempore* of the senate?—A. President *pro tempore* of the senate.

Q. When did Ames resign?—A. I cannot give the date. In the early part of last year.

Q. The early part of 1876?—A. The early part of 1876.

Q. When did the lieutenant-governor resign?—A. A few days previously.

Q. Was there any election for governor or lieutenant-governor in the State of Mississippi, at the last election?—A. No, sir; neither.

Q. Was there any call for it?—A. None.

Q. No attempt was made to create a governor?—A. No attempt.

Q. Are there any other statutes there, to which you desire to call attention?—A. In this connection I would say that there is a resolution which was adopted by the legislature, February 24, 1876, nearly a month prior to the act referred to, which proposes an amendment to the constitution in this particular, containing nearly the same provisions as the act which I have read.

Q. Was that provision never submitted to the people for ratification, or are you not required to do that under your constitution?—A. The constitution requires it to be submitted to the people for a vote at the time they elect representatives for the legislature, but we have had no such election since.

Q. So it has not yet been submitted?—A. It has not yet been submitted.

Q. Was that resolution of the 24th of February adopted after the resignation of the governor and lieutenant-governor?—A. It was before the resignation of either. This is the resolution:

A RESOLUTION proposing an amendment to the constitution of the State of Mississippi.

Resolved by the legislature of the State of Mississippi, (two-thirds of each branch concurring therein,) That the following articles be proposed to the qualified electors of this State as an amendment to the constitution of this State, to be voted upon by them at the next general election to be held in this State, either for approval or rejection, which, if approved by their vote, shall be valid as a part of the said constitution, namely:

ARTICLE XIV.

SECTION 1. Sections 11, of Article IV, and 14, 15, 16, 17, and 18, of Article V, of the constitution of this State, are hereby abrogated and annulled.

SEC. 2. The senate shall choose a president from among its members.

SEC. 3. When the office of governor shall become vacant by death or otherwise, the president

of the senate shall possess the powers and discharge the duties of said office, and receive compensation as the governor during the remainder of the term of office of such governor. When the governor shall be absent from the State or unable from protracted illness to perform the duties of his office, the president of the senate shall discharge the duties of said office and receive said compensation until the governor be able to resume his duties: but if from disability or otherwise the president of the senate shall be incapable of performing said duties or if he be absent from the State or if there be no president of the senate, then the speaker of the house of representatives shall assume the office of governor and perform said duties and receive the same compensation as the governor; and in case of the inability of the foregoing officers to discharge the duties of governor, the secretary of state shall convene the senate to elect a president, who shall assume the office of governor, and discharge the duties and receive the compensation thereof.

By limitation, February 24, 1876.

It seems that the act of the legislature dispensing with the lieutenant-governor, in abrogation of the constitutional provision for the lieutenant-governor, was enacted nearly a month after the legislature had passed the resolution to amend the constitution to that effect.

Q. Are there any other statutes which you regard as contrary to the provisions of the constitution? If so, you may call attention to them?—A. I might refer to the registration-act. The constitution of the State of Mississippi, article 7, section 3, prescribes the oath to be taken by the qualified electors before they are entitled to register as voters.

Q. You may give that.—A. It is article 7, section 3, page 663:

The legislature shall provide, by law, for the registration of all persons entitled to vote at any election, and all persons entitled to register shall take and subscribe to the following oath or affirmation:

I, ———, do solemnly swear, (or affirm,) in the presence of Almighty God, that I am twenty-one years old; that I have resided in this State six months, and in ——— County one month; that I will faithfully support and obey the Constitution and laws of the United States and of the State of Mississippi, and will bear true faith and allegiance to the same: so help me God.

This registration-act of 1876 requires an additional oath.

Q. Call the attention of the committee to that, giving the section and clause.—A. It is an act approved April 7, 1876, requiring a different and additional oath to that prescribed by the constitution, and will be found in the pamphlet acts at page 70.

Q. Read the oath as required by that act.—A. It is:

SEC. 5. *Be it further enacted*, That the county board of registration shall, on receipt of the blank books, as aforesaid, complete the preparation of the same by assigning one book for each election-district, designating the same by the name of such election-district, and numbering the same according to the supervisor's district in which it may be located. The said county board shall designate one of their number to register the voters in the county, who shall, at the times and places of registration as published, make a faithful and complete registration of all the qualified voters in the county, assigning each voter to the registration-book of the election-district of his residence, and registering him only while registering voters in the election-district in which such voter resides, and shall require each voter to state, under oath, in what election-district of the county he resides at the time of registering, and in what portion of such district, and, if resident in any incorporated city or town, in what ward of said city or town, and his occupation and where prosecuted, and, if in the employ of any one, whom, where, and the nature of such employment.

Q. Are there any further objectionable statutes?—A. The legislature at the same session repealed the law enforcing a tax for school purposes.

Q. Was that in violation of the constitution as you understand it? Does the constitution make provision for it?—A. The constitution makes provision that the schools shall be maintained in each county.

Q. You may call the attention of the committee to that provision.—A. I do not say that this is in violation of the constitution itself, but it is a failure to raise money to carry on the schools.

Q. Please read it.—A. It is provided in article 8 of the constitution:

SEC. 5. A public school or schools shall be maintained in each school-district, at least four months in each year. Any school-district neglecting to maintain such school or schools, shall be deprived, for that year, of its proportion of the income of the free-school fund, and of all funds arising from taxes for the support of schools.

Q. What is the provision of the statute that repeals the law for raising money?—A. The legislature had provided formerly for a tax of four mills; more recently for a tax of two mills.

Q. For school purposes?—A. For school purposes.

Q. You mean a State tax?—A. A State tax for school purposes. And the legislature of 1876 repealed the act, and we have now no State tax for school purposes.

Q. Is there any money raised now in the State; and, if so, by what system? I mean since this repeal.—A. There is money being raised for school purposes there under article 8, section 6, of the constitution.

Q. Read that.—A. It is:

SEC. 6. There shall be established a common-school fund, which shall consist of the proceeds of the lands now belonging to the State heretofore granted by the United States, and of the lands known as "swamp-lands," except the swamp-lands lying and situated on Pearl River, in the counties of Hancock, Marion, Lawrence, Simpson, and Copiah, and of all lands now or hereafter vested in the State by escheat or purchase, or forfeiture for taxes, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, and all moneys received for licenses granted under the general laws of the State for the sale of intoxicating liquor or keeping of dram-shops: all moneys paid as an equivalent for persons exempt from military duty, and the funds arising from the consolidating of the congressional-township funds, and the lands belonging thereto, together with all moneys donated to the State for school purposes, which funds shall be securely invested in United States bonds and remain a perpetual fund, which may be increased but not diminished, the interest of which shall be inviolably appropriated for the support of free schools.

Under this section of the constitution there is being raised money each year for a partial support of the public schools.

Q. Before the act of 1876 money was being raised under that provision, and in addition to it there was a two-mill tax?—A. And in addition to it a two-mill tax.

Q. And the two-mill tax has been repealed?—A. It has been repealed. In reference to this provision of the constitution creating a permanent school-fund, I would say that by a resolution of the legislature in 1875—the republican legislature—there was a proposition to amend this section of the constitution so as to use the permanent school-fund for present purposes.

Q. That is, to use it as it came in instead of investing it?—A. To use it as it came in instead of investing it and holding it as a school-fund.

Q. Was the constitution so amended?—A. It was so amended.

Q. So that it is now being used in that way?—A. It is now being used in that way.

Q. And is not being accumulated as a permanent fund?—A. Exactly.

By Mr. HOOKER, (representing Mr. Kernan:)

Q. What legislature passed that?—A. The republican legislature of 1875 passed the resolution to amend the constitution.

By Mr. TELLER:

Q. And it was submitted to the people and accepted?—A. Yes, sir; and then acted upon by the democratic legislature of 1876.

Q. Now state what the present condition of the fund is, and what is being raised as a fund, if you know. Is the amount adequate for the support of the schools, so as to come within the provisions of the constitution that the schools shall be maintained?—A. I am not able to state the amount now being raised. There was an agricultural fund of

upwards of $200,000—upwards of $300,000, I think—that was borrowed by the legislature from the school-fund and appropriated to general purposes by the act of 1876. This fund was invested in State bonds at 8 per cent. It was ordered to be re-invested in bonds drawing 5 per cent. interest with twenty years to run.

Q. State bonds?—A. State bonds. The loss to the school-fund is about $136,000 in the twenty years.

Q. That was done by a democratic legislature?—A. That was by the democratic legislature of 1876.

Q. I understand you to say you are not able to state what the revenue will be for school purposes?—A. I am not able now. I have no data before me by which I can be guided in stating as to the amount.

Q. Were those State bonds that were drawing 8 per cent.?—A. Mississippi State bonds, drawing 8 per cent.

Q. Were they due?—A. A portion of them were due, and were paid the early part of 1876.

Q. Then the money was in the treasury?—A. The money for those bonds was in treasury, and was used last year for general purposes.

Q. And replaced or paid by the issue of bonds drawing 5 per cent.?—A. Drawing 5 per cent., with twenty years to run.

Q. Then there was a loss of 3 per cent. on the interest?—A. A loss of 3 per cent. I think the amount was $227,000, and the loss of 3 per cent. per annum on that amount makes, I believe, $136,000 in the course of twenty years.

Q. Was there any necessity for that change?—A. None that I know of except to raise money for general purposes. It was borrowed from the school-fund for general purposes.

Q. It could have been raised without that, could it not?—A. By taxation, as formerly. It was the means of enabling the legislature to reduce the rate of taxation of the State.

Q. At the expense of the school-fund?—A. At the expense of the school-fund.

Q. Have you ever figured up to see what the loss to the school-fund would be from the dropping off of the two-mill tax?—A. I have not.

Q. Have you the valuation of the State of Mississippi by which you could make the calculation?—A. I have not that before me.

Q. Is it in the treasurer's report?

Mr. MONEY. It is in the auditor's report. That is made up, because the law requires it to be made up out of the common fund

Mr. TELLER. Out of what common fund do you mean?

Mr. MONEY. The fund in the treasury.

Mr. TELLER. Do you mean the general taxation?

Mr. MONEY. Yes, sir.

Mr. TELLER. My recollection is that if there should be a failure to collect it, or if the ordinary expenses shall absorb all the funds, then it is not paid in.

The WITNESS. Yes, sir; I understand it is not to be set apart for that purpose unless it is there.

Q. (By Mr. TELLER.) Unless there is a surplus, you mean?—A. Unless it is there for that purpose.

Q. You may give that provision.—A. I will read from the Pamphlet Acts, page 93, the seventh section:

SEC. 7. *Be it further enacted*, That all money coming into the State treasury on account of licenses to retail vinous and spirituous liquors, the net proceeds of all fines and forfeitures, and proceeds of land forfeited to the State for non-payment of taxes, shall be distributed on the first day of January to the several counties in the same manner as pro-

vided in section 6 for the distribution of funds now in the treasury, and the warrants issued for the distribution of the school-fund, as provided in this act, shall not be transferable, but payable and receivable by the officers only as herein directed. The levy of two mills for school purposes is hereby repealed, and if the whole amount distributed under the provisions of this act be less than the whole amount derived from a tax of two mills for the last fiscal year, then the State treasurer is hereby authorized and required to transfer from the general fund to the school-fund a sufficient amount to make up such deficiency, which shall be distributed as aforesaid.

I will state in this connection the effect these statutes have upon the school-fund. The agricultural school-fund was a permanent fund. It was invested in State bonds, a portion of which had matured, at eight per cent. That was borrowed by the legislature and applied to general purposes; and the general fund, if on hand, appropriated in lieu of the two-mill tax. The two-mill tax was repealed, and the loss falls upon the agricultural school-fund.

Q. Is there anything further that you wish to say about the legislation?—A. There are some resolutions of the legislature passed at that session. I have not the journals with me. It is with regard to changing the organization of the supreme court.

Q. State what was done.—A. After articles of impeachment were preferred against Governor Ames, the chief-justice of the supreme court being required by the constitution to preside on the impeachment trial, the legislature passed a resolution asking the chief-justice to resign his position as chief-justice, (still remaining on the bench,) until the emergency had passed, and then he could be re-elected to his position as chief-justice.

Q. The legislature passed such a resolution?—A. Passed such a resolution, and the supreme court acted upon it. The chief-justice did resign, and they elected a member of the bench as chief-justice for the emergency of trying the governor in the impeachment case.

Q. Who was the chief-justice at that time?—A. E. G. Peyton was chief-justice.

Q. Whom did they elect in his place?—A. They elected Justice Simrall.

Q. He was a member of the court?—A. He was a member of the court; on the bench.

Q. What was the object of having the chief justice resign?—A. I suppose they preferred the other man to be chief-justice at that trial. It was alleged, however, in the resolution, that the chief-justice was in ill health.

Q. Was he re-appointed chief-justice?—A. No, sir. There is a further history connected with it. The legislature following this passed an act giving, as it were, a pension to chief justices, under certain circumstances, who would retire from the bench. Chief-Justice Peyton accepted that, and retired.

Q. What did they give him; was it a salary?—A. A salary of $3,000 a year.

Q. For life?—A. During the remainder of his term of office. He retired under that act of the legislature, and Governor Stone filling the vacancy by appointment.

Q. Peyton was a republican, was he not?—A. Peyton was a republican.

Q. What was this other man who was elected in his place, Justice Simrall?—A. He had formerly acted with the republican party, but I do not know that he could be called a partisan now at all.

Q. Is he still on the bench?—A. Still on the bench; a very able judge, too.

Q. Stone appointed, I suppose, as chief-justice, a democrat?—A. Yes, sir; and Judge Tarbell's term of office expired, and Governor Stone appointed a democrat in his stead, so that the supreme bench is now entirely democratic.

Q. All the members?—A. Two of them are decided democrats, and Judge Simrall—I do not know that he claims to be a partisan now. He has taken no part in politics at all. I will say in this connection, however, that I think we have a very able bench in Mississippi.

Q. You are not finding any fault with the appointments at all?—A. No, sir; I think that those appointments were good. In this way the supreme court was re-organized.

Q. Is there anything in that connection which you wish to state?—A. Much had been said about the expenditures in the administrarion of the State government, and upon that question the canvass had been made, so far as any canvass was made; and in the attempt to reduce expenditures and to curtail salaries, fees, &c., the legislature provided that the assessor of taxes should receive a commission on the amount assessed; and, in addition to that commission, should receive fifty cents from each man who failed to deliver a list of his taxes to the assessor; and if not paid to the assessors, and collected by the sheriff, it should be seventy-five cents for each tax-payer. This, in many counties, produced an enormous salary for the tax-assessor.

Q. What canvass do you refer to when you say, "During the canvass?"—A. The canvass of the fall of 1875.

Q. Do you mean to say that you gave him a commission on the valuation?—A. A commission on the valuation on the tax-list taken by him; and in addition to that, 50 cents for every tax-payer who failed to render a list.

Q. What was the effect of that? To increase the valuation?—A. I don't know that it had that effect at all. I think not. But the effect was to compel the people of the county to pay to the tax-assessors, provided they were not prompt in delivering their roll, a very large salary.

Q. I should suppose the effect would be to raise the valuation, if he had a commission?—A. It did not have that effect, I think. With regard to the legislation on the subject of taxes in our State, I will make this remark: The taxes have been very high there—higher than they are now—resulting from the fact that the people were unwilling to submit to the republican government of the State, unwilling to pay taxes, unwilling to give a list of their taxable property, and when rendered, the valuations were exceedingly low, which necessitated a higher per centum on the valuations to raise a given sum of money.

By Mr. HOOKER:

Q. What year are you speaking of now?—A. I am speaking of the years from 1872 to 1875.

By Mr. TELLER:

Q. As compared with what has been since?—A. As compared with what has been since. As valuations on property go down the rate per centum most go up in order to raise a given sum of money.

Q. Do you know anything about the financial condition of the State of Mississippi, as it was in 1875? Do you know what its debt was, &c.?—A. The indebtedness of the State in January, 1876, at the time of the change of administration, as given by the treasurer's report——

Q. (Interposing.) The democratic treasurer?—A. The democratic

treasurer. He was elected to fill a vacancy. He went into office the 1st of January and made a report. The indebtedness was $1,047,000. The taxes coming in then, being collected, of 1875, were sufficient to pay about one-half of that amount, leaving the outstanding State indebtedness at about half a million dollars, say. This does not include the debt due to the school-fund of the State, contracted many years ago, upon which the interest only need be paid.

Q. As I understand, that school-fund was raised out of donations of public land, &c., of the State of Mississippi?—A. Yes, sir. There is quite a history about it.

Mr. TELLER. I merely want to show that it is not a debt created by the present administration or by its predecessor. In fact it can hardly be said to be a debt at all.

The WITNESS. The actual indebtedness of the State January 1, 1876, I give at $1,047,000.

Q. Do you know what the last report, of 1877, shows?—A. As shown by the treasurer's report, January 1, 1877, it was $743,094.51.

Q. That does not include the school fund, does it?—A. Exclusive of the school-fund.

Q. What are the back taxes there? Is there any allusion made to that?—A. I have not examined this report on that point. The taxes on the 1st of January, 1876, were 9¼ mills, including 2 mills school-tax.

Q. Seven and a quarter without the school-tax?—A. Yes, sir. It was reduced by the legislature of 1876 to 6½, repealing the 2-mill tax for school purposes, a net reduction of three-quarters of a mill. One mill would raise about $112,000; three-fourths of a mill about $84,000; and thus to enable the legislature to reduce the taxes three-fourths of a mill, or $84,000, they used cash on hand, about $162,000.

Q. From the school-fund?—A. From the school-fund, and the surplus of the fund collected to pay interest on bonds.

Q. During the republican administration previous to 1876, had the republican administration of the State constructed or repaired any public buildings, or anything of that kind, and conducted any general improvement? If so, state what.—A. I had occasion to examine that question, but have not the data now before me.

Q. Can you speak in general terms of what they did?—A. I can speak in general terms, but more accurately if I had testimony that I gave a year ago.

Q. Gave where?—A. Before the Boutwell committee. There is a statement there that I prepared on that subject and it may refresh my recollection.

Q. Is that a document that you submitted?—A. This is a document that I submitted to that committee.

Q. You may submit that document to this committee.—A. I submit this statement, which I think is correct.

Q. What volume is it in?—A. Volume second, of the Boutwell committee, from page 109 to 218 of the documentary portion of the report.

Q. This shows it correctly?—A. It shows it as I then stated. I think it is about correct.

Statement of G. E. Harris, attorney-general of Mississippi.

The violence and intimidation inaugurated and practiced by the democracy of Mississippi last fall, as a means of taking possession of the State government, was a policy of no recent invention. The "white-line" movement in this State to defeat reconstruction, and the laws passed in pursuance of it, was inaugurated as early as 1867 and 1868. As early as October 15, 1867, the Clarion, the leading organ of that date, speaking of the congressional plan of reconstruction, says:

THE RECONSTRUCTION PARTY—THE REACTION.

We bid God-speed to any party in the North which is struggling to lighten the burdens of our oppressed section. He who asserts that the Clarion has abused the northern democracy, or any other organization or set of men who are inspired by so noble and generous a spirit, has not correctly understood us.

We have said that the northern democrats do not mean to fight on the side of the President in the event he opposes physical resistance to the attempt of Congress to expel him from office. We are warranted in this opinion by the language of the New York World and other leading democratic papers. They do not regard him as a member of their party, do not assume any responsibility for his acts, and will sustain him with their votes precisely to the extent that they accord with their views. We have said that no matter how signal may be the victories which the democracy may achieve in the fall elections, they will not prevent the present Congress from enforcing its reconstruction policy, for the simple reason that no members are elected to the House of Representatives, except in two or three instances to fill vacancies, and that the present dominant party is installed in power beyond the time which will be required to consummate the re-organization of the excluded States.

None but a fool would draw the inference from this simple statement of an indisputable fact that we have censured the northern democracy for their opposition to Congress: and none but a knave, understanding what we have said, would so represent us.

The very terms of the reconstruction platform imply that re-organization under the congressional plan is accepted as an alternative between burdens, and a readiness gladly to accept milder terms if the Government of our conquerors should so direct. There is no party in the South but the radicals that indorse as just and liberal the military bills. The party to which we belong characterizes them as "oppressive and impolitic," and under the belief that their "rejection will lead to accumulated oppressions, and the infliction of disabilities exceeding those already provided," they advise the re-organization of the State government in accordance with them. No language could more clearly imply that they are accepted under duress, as a compulsory measure, after resistance has become hopeless, precisely as a general surrenders his army to avert its wholesale slaughter.

The reconstruction party, once for all, let us say, have no idea of going beneath a tide which may be set in any direction, or by any party, for alleviating the condition of their prostrate and suffering section; but at the same time they will not be deluded by false expectations into a step which will imperil the right of suffrage secured under the congressional plan to the great mass of the white citizens of the State, and thus turn over its re-organization, as in Tennessee, to the negroes and a few whites who can take the test oath, and which may lead to the imposition of still more oppressive pecuniary exactions, in the form of taxes, to pay the two and a half billions of debt contracted on account of the war for our subjugation. In the event of the rejection of the present plan, this Congress has the power to enforce these measures without any reference whatever to the result of the fall elections. Time, which proves all things, will soon demonstrate the correctness of this view.

If the present "reaction" should culminate in the permanent ascendancy of the democracy in the Government *hereafter, that party will unquestionably overthrow the organizations which may be established under the present laws, as readily as they would reject governments formed under others, embracing more oppressive provisions.* They would rightly hold the one to be as compulsory as the other, as unconstitutional as the other, and the difference between them to be not in principle, but in degree. The chances of future relief, whether great or small, will not, therefore, be impaired by organizing under the present plan, and thus securing beyond contingency to the whites their right of suffrage. Nor will they be improved in this particular by rejecting this plan and bringing upon ourselves another, which will inevitably, for a time at least, work the disfranchisement of all but the negroes and the whites who can take the iron-clad oath.

And this is the leading democratic organ in the State.

They organized what was called the "democratic white man's party." The Clarion, the leading democratic organ of the State, January 28, 1868, in speaking of the objects of this new organization, says:

ORGANIZE! ORGANIZE!!

State convention of conservatives.

The chairman of the executive committee of the white man's party of Mississippi has issued a call for a State convention of the white people of the State, to be held at Jackson, on *Wednesday, February* 19.

We trust that this call will receive the attention which the importance of the crisis demands.

The object of the convention is to provide a plan for concentrating the strength of the conservative people of the State, in order to prevent the ratification of a constitution which

the revealed purposes of the Jacobin leaders indicate will virtually transfer the whole voting privilege to the negro population.

Not satisfied with giving the negro a share in the government of the State, the "white demagogues" and "adventurers" now propose to confer upon him, ignorant, stolid, and utterly incapable as he is, the almost exclusive privilege of suffrage: and thus, under the management of these sworn enemies of their race, these "white demagogues" and "adventurers" intend that the sword of power shall be wielded by the hands of ignorance and iniquity for the purposes of plunder and revenge.

To defeat this infernal scheme, which will compass, as its authors intend it shall do, the degradation and misery of our white population and the destruction of constitutional liberty, is an object that must command their united and untiring efforts.

The proposed State convention will adopt a plan of proceeding in this grave matter. Other questions intrinsically important, but of minor concern compared to this, will require the consideration of the convention.

Friends and fellow-countrymen, arouse yourselves to action! Come up in your numbers, and give each to the other the benefit of your calm reflections, and of your fraternal and prayerful counsels.

To our brethren of the press who, like the watchful shepherd that sends his shrill warning athwart the darkness, to give notice to his flock that the wolf is on the walk, are ever on the alert, we would appeal. Let your voices be heard from the watch-towers where you stand as faithful sentinels, guarding the portals of the sanctuaries of justice and the temple of liberty.

The same paper on the 21st of February, 1868, in speaking of the constitutional provision on the subject of education, says:

THE "PUBLIC EDUCATION" SCHEME, SO-CALLED.

Our views of the injustice and evil consequences that must inevitably flow from the enforcement or the attempted enforcement of the pretended scheme of "public education," which has passed the military convention, are strengthened and confirmed when we find them reproduced and indorsed by so able and conscientious a contemporary as the Methodist.

An intelligent and true friend of the negro, much less of the white race, can look upon the measure with any other feeling but that of loathing and disgust. *In the intent of its authors to set the indestructible laws of God at defiance, and to subvert the usages of the white race in both sections of the Union, they have sown the seeds of irradicable enmity and discord between the two races.* They cannot, will not, intermingle on terms of social equality as contemplated by this odious scheme. *It is contrary to nature, and her laws cannot be violated without entailing suffering and woe upon those who raised the standard of wicked rebellion against them.*

* * * * * * *

We have not before alluded to another fact which occurred when the matter was under consideration. Mr. Field, (republican,) Lowndes, introduced an amendment designed to relieve from taxation to support these schools persons who may not choose to patronize them. It is significant that this just and reasonable proposition was voted down, the meaning of which action was that the people shall support these schools—or rather these intended nurseries of God-defying amalgamation—whether they place their children within the range of their contaminating influence or not! The authors of the abomination had but to go another step, and compel the attendance of white children. Mark our prediction, that if the negro domination scheme of government shall ever become an accomplished fact, this further step will be ventured upon. It may not be pertinent here to describe its consequences. *We repeat that the worst enemy of the negro is he who, in the guise of friendship, is encouraging him to attempt these deeds. They are leading him to his destruction.*

This was the prevailing democratic sentiment at that time. The sentiment has changed to some extent among the masses, but the true sentiment of the leading democratic organs seems to be the same. The present State superintendent of education is a democrat, firm and true, but a friend of our system of education.

He published recently a compilation of the school laws, with various needful information, advice, and instructions; his advice to teachers is encouraging, places the duty upon the basis of Christianity, but the Vicksburgh Herald of May 12, 1876, makes the following comment:

WHEAT VS. CHAFF.

The recent pronunciamiento of Prof. Gathright, the head-center of the educational interests of the State, contains some sound wheat and more or less chaff. His advice to the teachers of the State now working under him was good, and to that extent to be commended; but when he would go further and endeavor to persuade the daughters of our State to enter the field as teachers of negro schools, it would be strange if the proposition created much enthusiasm on the part of those for whose benefit it was made. A lady who is capable of

teaching at all, must be sore in need if she has to resort to a colored school-room to eke out a precarious existence, and we hope the time will never come when any true daughter of Southland will ever be put to that necessity. If she is not qualified in this regard, she should not undertake to teach any child, either white or black. Prof. Gathright, no doubt, means well, but that doesn't help his proposition.

Upon the white-line proposition, on January 23, 1868, the Clarion says:

"THE WHITE MAN'S PARTY ORGANIZED.

"By reference to the proceedings of the central committee appointed by the late conservative convention, to be found in another column of this paper, it will be seen that the white men of the State are to be organized into one active working mass, in opposition to the negro dynasty now seeking to fasten itself forever upon the body-politic through the agency of the acts of Congress, and to subvert the government of the constitution.

"An early day will be appointed for the assembling of a State convention, in which it is desirable that every county will be represented. Our brethren of the press are requested to publish these proceedings, and to urge the people to meet in their numbers and at once organize for the great struggle. Let every patriot be at his post. The time for action cannot be delayed. 'Rise, fathers, rise; Rome demands your aid.'

"I need not produce democratic papers to show the advice given last fall and upon which the party acted, but here is one to which attention may be called. It is only one of a series of threatening articles against the legally-constituted authorities of the State. It appeared in the Clarion, October 13, 1875, as follows:

"THE LATEST PHASE OF THE THREATENED YAZOO INVASION.

"We have good reasons for believing that Morgan, on second thought, has declined to avail himself of the escort of negro militia into Yazoo County, for which he first applied on the false and frivolous pretext that the functions of his office of sheriff have, or will be, interfered with, but which was, in fact, a scheme to take part with the army of the State in his private quarrel with parties in Yazoo, to whom he imagines he has given mortal affront. It is possible, therefore, that no attempt (it would be but an *attempt*, and an abortive one at that) will be now made to execute this part of the programme. Morgan knows that the duties of the office of sheriff, from which he has absconded, are being executed by his deputies, and with the sanction of every white man in the county, and it is possible that, abandoning the scheme to involve the State government in his personal quarrel, he will resort to the civil authorities for protection against real or imaginary bodily dangers to himself. These authorities are all of his own party, and as sheriff he has the power to summon the posse, if need be, to execute legal process.

"This, however, may be a surmise, and there is no telling what a day may bring forth. The invasion of Yazoo County by a lawless pretended militia, armed to the teeth, would be such a trespass as will justify the citizens of the county in repelling it for the protection of their lives, their property, and their sacred altars. Let them pray to God to overrule the intentions, if they still exist, of the public officials who have control of the question, and hope for the best—*but, at the same time, to be prepared for the worst. The price of liberty is eternal vigilance.*"

Then see this from the Yazoo Democrat:

"Last Monday evening the startling announcement flashed over the wires to this place from Jackson that A. T. Morgan would leave that city, by special train, for Vaughn's Station, with a white and negro militia company, for the purpose of invading Yazoo County and re-instating himself as sheriff.

"A county meeting was immediately called to take such steps as were necessary to meet the emergency. The meeting was held at eight o'clock Tuesday morning, in the spacious cotton-shed at the landing. Of its proceedings it is unnecessary to speak. The determination depicted upon every countenance showed, conclusively, the one sentiment of our people.

"At 11 o'clock on that day, a company of thirty-five men left our city, commanded by the intrepid Capt. Henry M. Dixon. (The company was greatly augmented after it left.)

"This company was joined at Benton by Capt. H. L. Taylor and his gallant boys; Dr. B. R. Holmes's Dover and neighborhood company; Capt. Jesse E. Bell's Satartia company, commanded by Captain Johnson; Capt. Sam. Griffin's Piney and Teheva Creek company; Captains Smith and Stubblefield's Benton companies, and Captain Mitchell's Deasonville—as brave a regiment as ever met an enemy—all under the command of that gallant and experienced soldier, Capt. H. L. Taylor.

"The companies were distributed as follows:

"Captain Dixon's command, then numbering fifty, was ordered immediately to Vaughn's Station, as an advance guard, and reached their destination about twilight. They were reenforced early Wednesday morning by Dr. Holmes's company of fifty men. Captain Mitchell's company was stationed at Deasonville.

"The balance of the command rested at Benton—the whole numbering between eight and nine hundred men, all mounted and variously armed.

"Headquarters were established at Deasonville, with couriers at proper stations.

"Drs. J. P. McCormack and J. D. Burch, surgeons of this city, were at the stations with Captain Dixon's company, Dr. R. C. Henderson at Deasonville, and Dr. J. W. C. Smith at Benton.

"Never was a command more properly distributed, under better control, and more eager for the fray, than these brave and gallant men, last Tuesday night and Wednesday. And we venture the opinion that had Morgan and his invaders attempted a landing in our county, Vaughn's Station would have been known in the future annals of Mississippi as the bloody ground."

"The same sentiment prevailed from 1868 to 1875 and continues to-day and the bitter political proscription and social ostracism of white republicans; and, it is immaterial whether he be from the North or the South, if he is republican, they try to crush him. If a northern man comes here and turns democrat, he is regarded by the democrats as an honest gentleman, but, if republican, it is the reverse.

"In 1875, the republican party being divided, and having made blunders, the democrats seized upon it as a favorable time for them to carry out their nefarious plans, and the press of the State did not hesitate to advise a resort to foul means, in language too plain to be misunderstood, and by base misrepresentations as to the financial condition of the State they aroused the people to act under the pretense that it was justified by the circumstances: and it may be well enough to notice the financial question and condition of the State since January, 1870, as compared with former years.

Take, for example, 20 years of democratic rule in Mississippi, and see what amount of money their own records show was expended, and they held uninterrupted sway, as we can best ascertain from the reports of the auditor and treasurer, made to biennial sessions of their legislature. Take the 20 years from 1850 to 1870, and compare it with six years of republican rule, from 1870 to 1875, inclusive, the following is shown:

Expenditures:

1850	$295,933 48	1860	$663,536 55
1851	226,407 41	1861	1,824,161 75
1852	802,579 76	1862	6,819,894 54
1853	229,288 45	1863	2,210,791 23
1854	584,296 84	1864	5,446,732 06
1855	311,578 19	1865	1,410,250 13
1856	784,896 79	1866	1,850,809 89
1857	1,067,086 57	1867	625,817 29
1858	614,659 00	1868	525,678 80
1859	707,015 00	1869	463,249 71
	5,623,741 49		20 208,894 95
			5,623,741 49
Total expenditures for 20 years			25,832,646 44

Now, take the republican administration for six years. Expenditures for—

1870	$1,061,249 90	1873	$953,030 00
1871	1,319,626 19	1874	908,330 00
1872	1,098,031 69	1875	618,259 00
	3,478,906 78		2,479,619 00
			3,478,906 78
Total expenditures for six years			5,957,525 78

The twenty years of democratic administration show an annual average of $1,291,632.32. The six years of republican administration show an annual average of $992,920 96.

This may be claimed to be unfair, as it embraces four years of the war, but, for the sake of fairness, let us strike out the four years of the war, or the amount expended during those four years, 1861, 1862, 1863, and 1864, and add in lieu thereof the amount expended in 1860, $663,536 55, and we have an expenditure of $12,181,019 06, or an annual average of $699,200.95, as against $992,920.96. From this it would appear that the republican administration has been more expensive than the democratic administration; but there are several reasons for this: Before the war the taxes were paid in gold and silver, and everything much cheaper than since the war; and in January, 1870, when the republicans came into power, State warrants were worth about sixty or sixty five cents on the dollar; the capitol and mansion were dilapidated; the penitentiary and lunatic asylum were too small, and had to be extended and repaired, and all the improvements cost nearly two prices, because pay-

ments were made in warrants at their reduced value. And the judiciary system was rendered more expensive to the State by dispensing with the probate court, the expenses of which had been formerly paid by the counties; this jurisdiction was given to the chancery court, and the number of citizens had more than doubled, and all departments of State government rendered necessarily more expensive. And, again, the school system has been carried on at an expense very large, a thing that had never existed before the war. The expenditures for shool purposes in the six years has been about $320,000 per annum. Let us add a few items which have been necessary since the war, and for which no expenditures were ever made by the democracy, by way of annual averages, and it will be seen at a glance why it is that the expenditures have been larger than formerly:

For school purposes, (as above)	$320,000
Probate-court business by the chancery court, (probate salaries by the counties,) (Code, 1857, p. 423)	36,700
Average annual improvements on public buildings, about	100,000
County record, &c., furnished, (destroyed during the war, and exhausted, &c.)	12,500
Making an average per annum of	469,200

Take this from the average, $992,920.96, leaves $523,720.96. These were necessary expenses, never incurred by a democratic administration. The only common-school system in the State before the war seem d to be a well-organized system to squander the school-fund of the State as rapidly as the same was donated to the State by the Government, as the history of the fund will show. Take these items from the annual expenditures of the six years of republican administration, and the average is reduced per year to $523,720.96. Thus showing the average annual expense of the republican administration to be, on the old basis of State expenses, actually $75,480 less than the average expenses under the democratic rule of twenty years, with less than one-half of the citizens to be governed, and at a time when expenditures everywhere were largely in advance of former years. Many other items of extraordinary expenses have been incurred since January, 1870, not included in these statements.

This, I think, shows a fair statement of the expenditures for the last 26 years, 20 years of democratic rule and 6 years of republican rule.

The taxes have been increased and decreased for the various State purposes for the six years alluded to as follows: 1870, 5 mills on the dollar; in 1871 it was 4 mills; in 1872, 8½ mills; in 1873 it was 12½ mills; in 1874 it was 11 mills; in 1875 it was 9¼. In the last three years there was a school-tax as follows: 1873 and 1874 a school-tax of 4 mills, and for 1875 2 mills. This is included in the above estimate, and the counties were restricted in their levies for county purposes as follows: By act of 1872, the counties were prohibited from levying a tax which, with the State and school tax added, shall not exceed 25 mills on the dollar, and in 1875 they were restricted to 20 mills on the dollar.

It seems that the real complaint of the people of the State, as to the burden of taxation, grows out of the fact that the taxable property of the State is, in the main, unproductive; and to evade the tax, the tax-payers, in giving their property to the assessor, place it far below its actual value, and continue year after year to reduce the taxable values of the property; and in order to raise a given sum of money, the legislature must raise the per centum. As the values decrease the per centum must be increased to raise the same amount of revenue.

The taxes have been reduced by the democrats. The tax, as we have seen, was 9¼ mills last year; now it has been reduced to 6½ mills, a reduction of 2¾ mills. But how did they do it? In the first place they levied no school-tax at all. They found on hand, as they say, cash enough in the treasury to run the schools this year. This had accumulated as a permanent school-fund under the republican administration, and the constitution was changed under republican auspices, so that the democrats have used the permanent fund for present purposes, and so the 2-mill tax has been dropped, and then the actual reduction is only ¾ of a mill. And to enable them to make that reduction, they used money found in the treasury as follows:

Agricultural-scrip fund available at present	$112,600
Surplus tax to pay interest on bonds	60,926
Amounting to	173,526

And this enabled the democracy to reduce tax ¾ of a mill.

Now, let us see how much three-quarters of a mill will produce. At present valuations a mill will produce, we think, not to exceed $112,000; then three-quarters of a mill would produce $84,000. Then it is seen that the use of $173,526 has enabled them to dispense with a tax to raise $84,000. So it is evident that if they had levied a tax to raise the money they found in the treasury, or, in other words, if there had been no money in the treasury, according to their own figures and the money used they should have reduced the taxes still more, and I think the taxes were too high last year and too high now; but if we admit that

it was just and proper last year, then with the 2-mill school-tax dropped, and with the use of $173,526, the taxes this year should be less than 5¾ mills.

If the taxes are not too high this year, it is evident, at least, that they were not too high last year. The taxes are higher in proportion than they were last year.

It is said that they have reduced expenditures. They have to some extent. They reduced the number of chancellors in the State, but the republicans took steps the year before to so amend the constitution as to permit this. They have cut down a few salaries, some of them lower than when they were paid in gold.

They have very properly cut down public printing, except that they did not cut it down low enough. They incurred heavy expenses in their investigations, but pursued their victims only until they gave their offices up to them; and, to dispose of the chief-justice of the supreme court and get a democrat in his place they gave him $18,000 to quit, provided he lives six years, ($3,000 per year.)

The report of the State treasurer for 1876, pp. 19, 20, 21, shows the total indebtedness of the State to be		$3,341,162 89
Takes from this current funds balance in the treasury January 1, 1876, amounting to	$524,388 68	
Chickasaw school-fund, represented by warrants deposited in treasury as per statement "C"	185,169 97	
		709,558 65
Leaves a balance of		2,631,604 24
Takes from this common-school fund	$83,378 18	
United States bonds in treasury	60,926 21	
		$769,451 97
		1,862,152 27
Debt due Chickasaw school-fund, interest only to be paid		814,743 23
Actual indebtedness		1,047,409 04

This was the debt of the State January 1, 1876. This debt has been increased April 10, 1876, by the democratic legislature. The act borrows the college-scrip fund for 20 years, $227,000, thus increasing the debt over a quarter of a million in three months after the democrats took possession of the State government.

They did cut down some expenditures; one among the largest of which was the appropriations for the educational department of the State. Education is not fostered by the democracy as it is by the republicans. See comparison of the appropriation for 1875 and 1876:

	1875.	1876.
State University	$35,000	$30,000
Alcorn University	15,000	10,000
Holly Springs Normal School	4,500	3,000
Tougaloo Normal School	4,500	3,000
State superintendent education	2,500	2,000
County superintendents	48,350	9,670
	109,850	57,670

Here is a reduction of $52,180 on the educational department of the State. The State has received large donations at different times from the United States Government for school purposes in different forms. It has been used by the State (the democracy) and loaned out to irresponsible persons and corporations, until there is but little of it available, except the college-scrip fund, $227,000, donated by Congress in 1862, and the democratic legislature, on April 10, 1876, borrowed that for twenty years' time at 5 per cent. interest, and directed State bonds to issue for the amount, and whether it will ever be returned, those who know most of the democratic legislation in former years may best predict.

The republican party have not been altogether free from such burdens. They let out $110,000 school-fund to an imaginary railroad, but that went into the hands of the democracy, and the recent democratic legislature passed an act releasing that to the parties who received the money. The democratic legislature, on February 21, 1867, appropriated $20,000 for the defense of Jefferson Davis, (pamphlet, acts 1866-'67, p. 422.) The warrants were issued as follows: To Thomas Green, cashier, $2,865.93; to T. E. Helm, $500; B. G. Humphries, $16,934.08, making $20,300; afterward C. E. Hooker refunded $300. I believe Davis was never defended. A history of the different school-funds, and the disposition made of them, would be too lengthy and tedious, and would run back to the time when John Mallory, the democratic auditor, defaulted for $54,097.96 (all except $230.58) on account of town lots, 3 per cent seminary and sinking-fund. This, with two other defalcations, stand now upon the record thus:

In 1843, Graves, State treasurer	$165,547 07
In 1858, John Mallory, auditor	54,097 96
In 1866, A. D. Haynes, State treasurer	61,962 38
Total of three defalcations	281,607 41

I have failed to find any record showing that any suit or recovery for any of the money so lost was ever even instituted.

The democratic legislation on the financial question presents very many alarming features, nor is it less alarming on many other subjects.

To their legislation in 1865, 1866, 1867 may be attributed the fact that the colored people refuse to vote their ticket. For instance, the act provides for many discriminations, which, although it admits that they are free, yet the practical working of these laws would place them into a condition of servitude even more abject than slavery; and I call attention to the act of 1865, pp. 71, 82, 83, 84, 85, 86, 92, 93, 194. These acts provide, among other things, that they shall not own lands; that they should not lease or rent, except in incorporated towns or cities; that they should have houses by the second Monday in January of each year, or be arrested as vagrants; that they should pay a special tax to create a panper fund for their own race; that if any freedman, free negro, or mulatto should fail to pay his taxes, or fail to pay any fine imposed by a court, he should be hired out by the sheriff to any person who would take him for the shortest time and pay the tax, fine, or costs; and so the length of his service depended on the bidding, and if there was no competition in the bidding for him, he might, for the smallest fine, be sold into servitude for life, as there was no limitation or restriction contained in the law.

He was made a witness only in cases where freedmen were parties to the suits. They were not allowed to do job or irregular work without a license therefor, and that liable to be revoked. That all their contracts for a longer period than one month should be in writing, and if he quit before the term expired, without good cause, he should forfeit all that he had earned. If he left his employer, he could be arrested and carried back and placed in the custody of his employer, (after the old order of things.) He should not carry fire-arms without a license.

These are a few of the acts which purport to *confer civil rights*, and I don't think the colored people, after reading these acts, would be much inclined to rally to the support of the democracy.

As to the expenditures of the democratic administrations in this State, I have shown an expenditure of upwards of 25,000,000 in twenty years, and I think it would be safe to assert that the record will show, in forty years, closing January 1, 1870, that they have spent, squandered, used, had, and disposed of very largely over forty million dollars; probably the total would reach nearer fifty millions. When we take into the account the $25,000,000 and upwards for the twenty years before mentioned, and add to this the preceding twenty years, with the repudiated bonds, the waste of school-funds, money paid for negroes purchased to work on railroads, and other extravagancies, and the robberies committed, it may reach fifty millions.

For valuable information on this and kindred subjects, I hand herewith a series of articles, prepared carefully and published. I have examined them, and believe that the figures and statements therein contained are substantially correct.

I hand you also a pamphlet entitled the "Mississippi Text-Book," published in 1869, which I think has been carefully prepared, giving some important facts. It contains also some of the acts of the democratic legislature of 1865, referred to.

I fear that under the recent registration law there will be much difficulty, first, in having the voters registered; and, second, in having a fair election.

1. The law requires a mass of unnecessary matter upon which each voter shall be interrogated by the registrar before he is registered: the time allowed in each district shall be not less than two nor more than five days in each district, and the board may give only two days in the most densely-populated districts, and the applicant shall be examined by the president of the board, (only one man can do this.) (See sec. 4, p. 68, 69, pamphlet acts.)

2. Whilst it provides that the registrars shall not be of the same political party, yet the managers may, and doubtless will, be of one political party; this, with many other defects, it is feared, will defeat the republican party of its large majority in this State.

The State has been so gerrymandered in its new apportionment of congressional districts as to defeat, and for the evident purpose of defeating, the republican party of the State in the congressional election. The annexed map will show the manner in which the State is divided into six districts. District No. 6 lies on the Mississippi River, in the rich lands in the valley, where the counties are very largely colored and largely republican; the district, as it will be seen, extending from near Memphis, Tennessee, to the Louisiana line, and by river (the usually-traveled route) it is near 600 miles long and nearly 300 miles on an air-line, and in some parts not to exceed 14 to 16 or 20 miles wide, embracing one tier of counties on the river.

Q. Coming down to the year 1875, I wish to ask you about the conduct of the campaign, unless there is something that you desire to say that you have not already said.—A. I think of nothing more on the subject of legislation.

Q. Were you before the Boutwell committee on that subject?—A. I made no special statement.

Q. You made none as to the character of the campaign?—A. As to the character of the campaign.

Q. State it here, if you know about it.—A. I took a very limited part in the canvass of either 1875 or 1876.

Q. Suppose you state such things as came under your own observation.

Mr. MONEY. There is a very extended statement from the general on the record now, covering the whole campaign.

Mr. TELLER. What is it?

Mr. MONEY. A letter that he wrote to General Grant. It is made a part of the record in this matter.

Mr. TELLER. When was that made a part of the record?

Mr. MONEY. About a week ago.

Mr. TELLER. Who put it in?

Mr. MONEY. I put it in.

Mr. TELLER. I do not care about your stating what was told you. If anything came under your personal observation in 1875, please state it.

The WITNESS. In 1875 I made a brief canvass in our own county, De Soto, with Ex-Senator Pease and Colonel Wells, candidate for Congress. That was about the extent of my canvass that year. I probably made some few other speeches in different parts of the State, but no general canvass except that.

Q. (By Mr. TELLER.) If there is anything you desire to say about that, you may state it; if not, we will leave that subject. Give the general condition of affairs as you saw it.—A. I have nothing special to state further in that connection, I believe.

Q. Then pass on to the campaign of 1876. Did you participate in that campaign?—A. I think I made only two speeches in 1876.

Q. State what you know of the campaign of 1876.—A. I made one speech in Jackson, at the legislative hall. All was quiet and very well conducted. I made one speech at Hernando, in which I was interrupted. I had an appointment to speak there in the month of August, and on Saturday I went to the court-house where I was to speak, and found a republican club being organized. They informed me that I would have two hours to speak, as there was to be a democratic club meeting held there at four o'clock. I took the stand and commenced speaking. Colonel Labanve, a democrat, came in and asked for a division of time. I granted it upon condition that the discussion should be courteous, which he promised. We had but two hours to divide between us. It was arranged that I should speak first, and that he should follow me. I spoke three-quarters of an hour. He followed for three-quarters of an hour. I then spoke fifteen minutes, and he was entitled to speak fifteen minutes, which he did not fill.

Q. Why not?—A. There was a large crowd of both parties and both colors there. The meeting proceeded very quietly and courteously until I was making my closing remarks. I was called a damned liar. I turned to the man who used the language, stating to him that if I made any misstatement I was ready to stand corrected, but preferred it should be done in a different manner. At this moment several cried

out, "Your time is up! Your time is up!" I left the stand, the republicans rushing to the doors to get out of the way, and we left without any fight, bloodshed, or anything of the kind.

Q. Why did you leave? Were there signs of a disturbance or any hostile demonstrations?—A. I feared hostility. The language used toward me by that man, with his friends around him, seemed to indicate that there I would be trouble, so we quietly left the court-house, and I think I managed to avoid trouble by it. I never attempted to make another speech in the canvass.

Q. Why?—A. Well, partly for the reason that I apprehended trouble wherever a meeting was held.

Q. Was there any trouble in your county that you know of?—A. Yes, sir.

Q. State what it was.—A. There was some rioting on one occasion there.

Q. At a political meeting?—A. At a political meeting. I think it was in September, probably the 18th. The candidates for Congress, Colonel Manning and Colonel Walton, were to speak at Hernando. The place of speaking was in the town, probably two hundred yards from the court-house. I went to the place of speaking just before the speaking commenced; and from the feverish condition of things I apprehended some danger.

Q. Explain what you mean by the feverish condition of things.—A. I mean the general excitement and bitter and vindictive feeling on the part of the democratic party.

Q. In the crowd at this stand do you mean, or generally?—A. Not so much from anything that I saw there, but from the general tone of conversation that we could hear all the time; and from the threats, manifes ing a vindictive feeling; and from the outrages we could hear of from other counties.

Q. State what occurred.—A. I proposed to Colonel Walton that I would go to the court-house and get the sheriff to come and summon a posse to keep down disturbances on either side. He declined to favor anything of that kind, saying that it looked like showing cowardice. I said to him that I would take the responsibility of doing it myself, and I started to the court-house for the sheriff. I had gone probably one hundred yards when I heard firing commenced in the crowd that I had left. There were probably eight or ten shots fired. I met crowds of men running to the scene of the riot, some with their pistols out, others on horseback, leaving the place, saying they were going for their guns, and they soon returned with their guns. I walked quietly, meeting that crowd, and went to my residence, and did not return.

Q. Was anybody injured?—A. There was one man killed.

Q. White or black?—A. A white man killed, and another man wounded. I have heard that one colored man was slightly wounded.

Q. You do not know anything about how the row commenced, not being present?—A. I do not. I left all quiet. The firing commenced after I had left the scene.

Q. There was no political meeting there, I suppose?—A. There was no speech made. Colonel Walton, I learned, had commenced his speech, but never renewed it.

Q. This was in September?—A. September 18, I think.

Q. At what place do you say this was?—A. At Hernando, De Soto County, the northern part of the State, the place of my residence.

Q. Is there anything further you wish to state on that subject?—A. That is the only special instance that I know of at all. I am not able

to say who commenced this, or who ended it. On the second of October the candidates for electors were to speak there, and the democrats came in large crowds to hear the speaking, but the republicans did not attend.

Q. That meeting was held, I suppose, being a democratic meeting?—A. They declined to have any speaking. It was to be a joint discussion; and because the republicans failed to come, they had no joint discussion. I think some of the speakers were called out from the hotel, and made a few remarks; after that the republicans seemed to take very little interest in the canvass of that county.

Q. What has been the political status of that county?—A. That county has been from four to six hundred republican.

Q. How was it at this election?—A. Democratic, I believe, eight hundred and eighty-one.

Mr. MONEY. It is eight hundred and eighty-seven here in this official report.

The WITNESS. My recollection is that it was eight hundred and eighty-one. I give it from recollection.

By Mr. TELLER:

Q. Do you know about the registration in that county, as to the number of white people and colored people registered there?—A. Only from information.

Q. You have no personal knowledge of that?—A. No personal knowledge. I have a list of the vote of the State for 1873, 1875, and 1876, by counties.

Q. Do you wish to submit this?—A. I will submit that if you wish it.

Q. Do you know that this is correct?—A. I have it from the office of the secretary of state, where these records were kept.

By Mr. MONEY:

Q. Is there any certificate to it from the secretary of state?—A. No certificate. It is furnished to me by the secretary of state. It will correspond with any that you have, I guess.

By Mr. TELLER:

Q. That was furnished you by the secretary of state, do you say?—A. That was furnished me by the secretary of state.

By Mr. MONEY:

Q. Is it added up here giving the total?—A. No, sir; it can be added up.

Mr. MONEY. I want to put the total vote of three years in evidence, showing that there was a full registration and vote. That will do if he will add that up.

Mr. TELLER. We will put it in evidence and have one of these clerks add it up.

The following is a copy of the paper referred to:

Vote in Mississippi for 1873, 1875, *and* 1876.

Counties.	1873.		1875.		1876.	
	Republican.	Democratic.	Democratic.	Republican.	Democratic.	Republican.
Adams	2,051	886	793	2,616	1,626	2,324
Alcorn	399	1,457	1,806	539	1,606	663
Amite	1,093	407	1,189	1,095	1,472	73
Attala	1,107	1,310	1,849	1,210	1,973	1,071
Benton	503	923	1,447	242	1,150	754
Bolivar	898	121	348	1,930	1,296	2,089
Calhoun	62	1,280	1,563	205	1,796	166
Carroll	1,675	953	1,811	1,263	1,995	1,017
Chickasaw	1,466	1,099	1,778	987	1,892	1,005
Choctaw	359	736	778	281	968	153
Claiborne	1,814	179	1,049	496	1,501	423
Clarke	1,122	610	1,289	1,225	1,451	797
Coahoma	1,281	726	509	234	789	1,446
Copiah	1,771	1,687	2,435	1,861	2,611	1,642
Covington	231	379	663	308	620	283
Clay	1,477	81	1,737	659	1,951	818
De Soto	1,977	836	2,469	1,566	2,516	1,668
Franklin	386	523	747	542	919	439
Greene	52	85	303	59	381	58
Grenada	1,553	547	1,230	983	1,591	636
Hancock	246	348	492	257	547	309
Harrison	307	520	760	290	758	297
Hinds	3,480	1,216	3,836	2,321	4,501	1,475
Holmes	2,280	612	2,291	1,251	2,674	1,151
Issaquena	1,105	71	266	2,041	788	969
Itawamba	38	1,185	980	30	1,410	41
Jackson	319	615	878	372	887	343
Jasper	642	634	1,163	835	1,321	499
Jefferson	1,278	201	678	1,922	1,517	419
Jones	40	165	414	4	342	14
Kemper	1,204	972	1,339	418	1,579	904
La Fayette	1,414	1,664	2,070	1,661	2,474	1,532
Lauderdale	1,353	1,512	1,977	1,216	2,630	596
Lawrence	357	598	797	597	817	628
Leake	538	855	1,182	617	1,472	442
Lee	718	1,227	2,423	183	2,731	206
Lincoln	857	770	1,317	980	1,677	875
Lowndes	2,723	716	2,137	2,021	2,653	2
Leflore	99	17	424	1,331	1,357	698
Madison	2,323	401	1,488	2,587	1,452	13
Marion	215	258	487	214	458	240
Marshall	3,129	1,991	3,186	2,856	3,278	3,050
Monroe	1,997	1,863	1,067	1,546	2,793	1,897
Montgomery			1,291	763	1,515	451
Neshoba	159	317	1,662	136	1,106	119
Newton	586	231	1,420	432	1,612	302
Noxubee	2,388	311	1,383	2,088	1,630	1,429
Oktibbeha	1,249	240	781	1,598	1,373	1,023
Panola	2,826	1,672	2,968	2,400	2,790	2,517
Perry	10	158	361	36	332	31
Pike	876	923	1,313	1,260	1,524	875
Pontotoc	481	1,305	1,442	461	1,635	561
Prentiss	266	1,366	1,857	71	1,881	162
Pearl	2	101	133	7	182	11
Rankin	1,084	1,037	1,672	1,028	1,789	788
Scott	355	788	1,138	490	1,383	49
Simpson	283	519	737	332	788	341
Smith	70	745	1,149	41	1,114	10
Sumner			709	342	529	239
Sunflower	263	167	316	378	989	408
Sharkey					591	92
Tallahatchie	810	362	1,239	969	1,144	1
Tippah	303	1,112	1,468	268	1,560	327
Tishomingo	61	963	1,352	12	1,284	30
Tunica	719	11	141	1,165	229	1,398
Tate	1,357	1,512	1,973	1,495	1,947	1,508
Union	468	913	1,204	397	1,611	398
Warren			3,606	2,042	2,036	623
Washington	1,824	490	2,043	1,638	2,901	1,538
Wayne			586	363	622	464
Wilkinson	1,496	114	400	1,888	1,262	1,427
Winston	512	705	908	377	1,133	703
Yalobusha	938	1,230	1,687	941	1,902	861
Yazoo	2,409	617	4,044	7	3,674	2
Total	70,462	47,486			108,611	51,788

NOTE.—The last two columns show the vote cast in November, 1876, for electors at large, for Barksdale, democrat, and McKee, republican.

Vote in Mississippi for 1873, 1875, *and* 1876—Continued.

Total vote for Hemmingway, democrat, for treasurer	97,400
Total vote for Buchanan, republican, for treasurer	67,171
Majority for Hemmingway	30,229
Total vote	164,751

The WITNESS. I call attention in De Soto County. In 1873, the republican vote was 1,977; the democratic vote 836. In 1875 the democratic vote was 2,400; the republican vote was 1,566. In 1876, the democratic vote was 2,546; the republican vote was 1,668.

By Mr. HOOKER:

Q. You have spoken in the early part of your direct examination of the present State government of Mississippi, and the provisions of the constitution and resolutions to fill the office of governor in case of the disability of the governor and the lieutenant-governor. In what respect do you understand that law to be unconstitutional?—A. It makes the president *pro tempore* of the senate governor for the full term.

Q. In so many words?—A. Thereby preventing an election.

Q. Please point to the clause which does that.—A. It says for the remainder of the term.

Q. Do you mean to say under the provisions of the constitution, in the event of the death or disability of the governor, that the lieutenant-governor, if there were one in the State, would not take his place and fill the remainder of the term?—A. He might do that; but in case of the death or resignation of the lieutenant-governor there would be an election to fill that office, and the lieutenant-governor thus elect would act as governor for the remainder of the term instead of the president *pro tempore* of the senate.

Q. Do you mean to express the opinion that if the governor is dead or disqualified from any cause and the lieutenant-governor is dead or disqualified from any cause the president of the senate *pro tempore* would not be the governor for the remainder of the time?—A. If that law is constitutional, he would.

Q. Would he not under the constitution? Does not this law follow the terms of the constitution?—A. No, sir.

Q. You say that the clause of the constitution to which you refer does not say that he shall be governor for the remainder of the term?—A. I think not.

Mr. HOOKER. The provision to which you have referred, article 5, section 17, is as follows:

> When the office of governor shall become vacant, by death or otherwise, the lieutenant-governor shall possess the powers and discharge the duties of said office, and receive the same compensation as the governor during the remainder of the said term. When the governor shall be absent from the State, or unable from protracted illness to perform the duties of his office, the lieutenant-governor shall discharge the duties of said office and receive said compensation until the governor be able to resume his duties; but if, from disability or otherwise, the lieutenant-governor shall be incapable of performing said duties, or if he be absent from the State, the President of the Senate *pro tempore* shall act in his stead; but if there be no such president, or if he is disqualified by like disability, or be absent from the State, then the speaker of the house of representatives shall assume the office of governor and perform said duties, and receive the same compensation as the governor; and in case of the inability of the foregoing officers to discharge the duties of governor, the secretary of state shall convene the senate to elect a president *pro tempore*.

Now, you say that the act to which you have referred does not follow the constitution. What provision in it do you find which requires an election of the lieutenant-governor when it does not require the election of a governor?—A. I find nothing in this section of the constitution

which provides that the president *pro tempore* of the senate shall hold for the remainder of the term of the office of governor.

Q. Do you find anything there to prevent him from doing it?—A. I find nothing there that would prevent you from doing it, or any other gentleman.

Q. Then there is nothing in the constitution in reference to any other person except the governor, lieutenant-governor, and president of the senate?—A. The constitution does not say that the president *pro tem.* of the senate shall fill the *remainder of the term;* and this pamphlet act does say so.

Q. That is the distinction which you take between the act and the constitution?—A. Yes, sir.

Q. And that is your opinion about it?—A. Yes, sir; and, if I had no other opinion about it, I might base it upon the action of the legislature proposing to amend the constitution in this particular. I refer to the resolution passed nearly a month before this act was passed.

Q. Your idea is that this act is unconstitutional because it militates against that clause of the constitution which makes the president of the senate, in the event of the disability of the governor and in the event of the disability of the lieutenant-governor, the governor. Would you have the same opinion in case it should descend to the speaker of the house of representatives in due succession, there being no governor or lieutenant-governor or president *pro tem.* of the senate?—A. That is my objection to it.

Q. That it extends to the speaker of the house also?—A. Yes, sir.

Q. When you say that the constitution directs that there shall be an election of the lieutenant-governor, what clause do you refer to?—A. I said generally for the filling of all vacancies

Q I understood you to say a moment ago that the president *pro tem.* of the senate could not take the place of the lieutenant-governor, because a lieutenant-governor must be elected when the governor and lieutenant-governor were disabled?—A. There should be an election to fill the vacancy. There is no provision of the constitution for the president *pro tem.* of the senate to fill the *remainder of the term.*

Q. What provision of the constitution is it now that authorizes an election of a lieutenant-governor where the governor is unable to discharge his duties and the lieutenant-governor is unable to discharge the duties?—A. The constitution confers that power upon the legislature to fill vacancies.

Q. All vacancies?—A. All vacancies.

Q. Read it.—A. Article 5, section 13: "All vacancies not provided for in this constitution shall be filled in such manner as the legislature may prescribe."

Q. Then you merely mean to express your opinion that it was the duty of the legislature, when the governor was disabled and the lieutenant-governor was disabled, to have ordered an election for the lieutenant-governor?—A. I mean to say that the lieutenant-governor's office is filled by election, and that there is no constitutional provision for any other officer to hold for the full term except the lieutenant-governor, and that the legislature cannot pass a law prohibiting the election of an officer, which office the constitution provides shall be filled by election.

Q. Governor Ames was the governor of the State, was he not?—A. He was.

Q. What year was he elected?—A. Elected in 1873.

Q. Were you elected attorney-general that same year?—A. Yes, sir.

Q. On the same ticket?—A. Yes, sir.

Q. He became disqualified from acting as governor in what way?—A. I think he resigned.

Q. Was he not impeached before his resignation?—A. Yes, sir; he acted as governor until his resignation.

Q. But he was impeached, and articles of impeachment were pending before the senate at the time of his resignation?—A. That is true.

Q. Is it not also true that the lieutenant-governor was impeached?—A. Yes, sir.

Q. By the same legislature?—A. Yes, sir.

Q. Before the same senate?—A. That is true. I stated it before.

Q. What was the lieutenant-governor impeached for?—A. Charged with receiving a bribe, I believe.

Q. What sort of a bribe?—A. Moneyed bribe.

Q. For what purpose?—A. For pardoning a convict; pardoning a party indicted, before trial, I think.

Q. Indicted for what?—A. For murder.

Q. And on that account he was impeached, and pending his impeachment he resigned?—A. After he had been convicted he resigned.

Q. Was he convicted?—A. He was convicted, but no judgment passed on him.

Q. After conviction, and before judgment, he sent in his resignation?—A. Yes, sir.

Q. And left the State?—A. I do not know about leaving the State. He resigned.

Q. Governor Ames left the State, did he not?—A. I think so.

Q. When the legislature met, in 1876, to organize, there was no governor and no lieutenant-governor of the State, was there?—A. Neither.

Q. The regular election for governor would have occurred when?—A. November, 1877.

Q. Of this present year?—A. Of this present year.

Q. There would then be no regular election either for governor or lieutenant-governor at the times appointed and stated by law until November, 1877?—A. Not until November, 1877; no regular elections.

Q. And all that you have said upon this subject is simply an expression of opinion upon your part that the president *pro tem.* of the senate could not act during the remainder of the term of Lieutenant-Governor Davis?—A. I stated my objection to this legislation as being an abrogation of that clause of the constitution which I read, and I submit it to the committee as a violation of the constitution.

Q. That is your idea about it?—A. Yes, sir.

Q. And that is predicated upon your notion that the president *pro tem.* of the senate possesses no power under the constitution to fill the remainder of the term of the lieutenant-governor, but that an election would be required?—A. That is my view of the constitution.

Q. What would you do, supposing the governor and lieutenant-governor should die one month before the expiration of their offices?—A. Probably there would not be time for an election.

Q. Would the State, then, be without an executive?—A. No; not at all.

Q. Who would be the executive of the State if the governor and lieutenant-governor both died one month before the expiration of their terms of office?—A. He (the president *pro tem.*) might then by force of circumstances remain in office until the expiration of the term, but there is no law providing for it.

Q. There is no law upon the subject, you mean?—A. No, sir; I do not mean that.

Q. You mean to say, then, that under the constitution, the legislature would possess no power to pass a law upon the subject?—A. I say that under the constitution I do not think the legislature had the power to pass that act. There is the constitution, and there is the act. I say further, that as an evidence that the legislature did not act in ignorance of this fact, nearly a month before the passage of this act they passed a resolution proposing to amend the constitution in this particular.

Q. A good deal of discussion had arisen, had there not, upon the subject, as to how and upon whom the executive office would devolve in the event of disability on the part of the governor and of the lieutenant-governor?—A. Yes, sir; some discussion had arisen.

Q. And this resolution and act grew out of that discussion?—A. I think, probably, both of them were discussed in the legislature.

Q. You alluded in the course of your direct examination to the reorganization of the supreme bench, did you not?—A. Yes, sir.

Q. And to the resignation of Judge Peyton, as the chief-justice, and the appointment of Judge Simrall as chief justice?—A. Yes, sir.

Q. Do you not know the fact to be that Judge Peyton had been in very delicate health for a number of years?—A. He was in delicate health, and had been for some time. I don't know how long.

Q. What was his age?—A. I don't know.

Q. Can you not approximate it?—A. His age probably was nearly seventy.

Q. You spoke of his being removed, or being induced to resign his position, because you thought that Judge Simrall would be more favorable or more acceptable to the parties who were prosecuting this impeachment against the governor and lieutenant-governor?—A. No, sir; I do not think I stated that.

Q. You stated something very nearly like it; you said you supposed they preferred the other man?—A. I supposed they preferred the other man.

Q. That was the expression?—A. Yes, sir.

Q. Judge Peyton was a republican?—A. Yes, sir.

Q. And had acted all the time with the party?—A. Yes, sir.

Q. Was he a pretty pronounced man in his opinions?—A. Very firm.

Q. And looked upon by both parties as a man of high integrity?—A. Yes, sir; I should judge so.

Q. As a man not likely to be moved by anybody approaching him so far as the duties of his office were concerned?—A. I think he was a very high-minded, honorable gentleman, and an able jurist. I think the people of the State shared in that opinion.

Q. I will ask you to state further whether you did not know, in consequence of Governor Ames approaching Judge Peyton with complaints as to a decision which his son as chancellor had made, that very unpleasant relations existed between Judge Peyton and Governor Ames?—A. In consequence of that, very unpleasant relations existed.

Q. Governor Ames had approached him, complaining of decisions which had been made in a certain suit?—A. Complaining of some ruling made on the trial, before the decision.

Q. I believe you were of counsel in that case, were you not?—A. Yes, sir.

Q. And there were very unpleasant relations existing between Judge Peyton and the governor?—A. Yes, sir.

Q. Was it not on account of those unpleasant relations, as well as the other fact that Judge Peyton was then in very feeble health, that he was a cer-

he resigned his position as chief-justice, and allowed Judge Simrall to be put in his stead?—A. I am unable to say how that was.

Q. You would not say that that was not the reason, would you?—A. No, sir; I would not.

Q. How are the chief-justices appointed in the supreme court?—A. Appointed by the governor and confirmed by the senate.

Q. How is the chief-justiceship created?—A. Elected by the three, I believe. The three elect one of their number.

Q. As the presiding officer?—A. I think that is the fact.

Q. In point of fact it is no greater dignity to be chief-justice than to be associate justice, so far as his powers are concerned, is it?—A. It is considered as a promotion on the bench.

Q. Does it usually go with seniority of position?—A. I don't remember how that is. There may be some provision of law of that kind.

By Mr. TELLER:

Q. How many judges do you have?—A. Three judges.

By Mr. HOOKER:

Q. Then when Judge Peyton resigned his position as chief-justice, you do not mean to say that he resigned to the governor do you?—A. I suppose not.

Q. He simply gave up the position of presiding judge of the court and allowed the judges of the court to select another presiding officer?—A. Yes, sir.

Q. There being three on the bench?—A. Yes, sir; three on the bench.

Q. You have been speaking about the politics of the judges. What were the politics of Judge Tarbell, the other judge?—A. Judge Tarbell was a republican.

Q. Who was Judge Simrall appointed by?—A. He was appointed by Governor Alcorn.

Q. Governor Alcorn was a republican at the time he made this appointment, was he not?—A. Yes, sir.

Q. And the senate that confirmed him was republican?—A. Yes, sir.

Q. You have spoken of the law which was passed retiring the judges under which Judge Peyton had been retired from the bench, have you not?—A. Yes, sir.

Q. That was a general law, was it not?—A. It was general, but required very special cases to bring a judge within its provisions.

Q. That is to say he had to be of a certain age and to have a certain disability to perform his duties?—A. And to have been on the bench a certain length of time.

Q. Those were the requisites?—A. Yes, sir.

Q. I will ask you to state whether that law is not almost in the exact phraseology of the law of the United States upon that subject?—A. I am not able to say. I do not think I have examined that law with a view to this point.

Q. How long did Judge Peyton live, in point of fact, after he resigned and accepted this salary?—A. I do not now remember. He died sometime during the same year.

Q. Did he live as long as six months afterwards?—A. Possibly six months. I could not say.

Q. And this provided simply that he should receive a salary of three thousand dollars a year after his resignation under the circumstances mentioned in the law provided?—A. Yes, sir.

Q. That act did not apply to him in name, did it?—A. I think not.

Q. It applied to all judges of the supreme court, did it not?—A. Yes, sir.

Mr. HOOKER. This act is to be found on page 126 of the pamphlet laws of 1876, and is entitled "An act to allow judges of the supreme court to retire from the duties of said office on account of age and infirmities." I will put the act in evidence, as follows:

AN ACT to allow judges of the supreme court to retire from the duties of said office on account of age and infirmity.

SECTION 1. *Be it enacted by the legislature of the State of Mississippi*, That when any judge of the supreme court shall have served one term of office as such judge, and who under a second appointment is serving a second term, may have served at the age of seventy years, who by reason of age and infirmity may have become unable to perform the full duties of said office, it shall be lawful for such judge to retire from the duties of said office and to notify the governor thereof.

SEC. 2. *Be it further enacted*, That when any judge as aforesaid shall notify the governor of his inability to perform the duties of said office as aforesaid and of his retirement therefrom, said office shall thereupon become vacant, and it shall become the duty of the governor to make an appointment to fill the vacancy for the balance of the term of the said retiring judge, as now provided by law in cases of resignation or death.

SEC. 3. *Be it further enacted*, That upon the retirement of such judge for the reasons aforesaid, that his salary shall not entirely cease by reason thereof, but such judge shall be entitled to receive the sum of three thousand dollars per annum, payable quarterly, until the full end and term of said judge's last appointment, if he shall live so long, to cease at the death of said judge.

SEC. 5. *Be it further enacted*, That when the chief-justice of said court shall so retire from office, that of the remaining judges of said court, the judge having the longest term to run shall be chief-justice of said court until another chief-justice shall be legally chosen.

SEC. 5. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved April 11, 1876.

Q. (To the witness.) You are the present attorney-general of the State of Mississippi?—A. Yes, sir.

Q. You have spoken about the common-school fund and about the tax for it, and the repeal of what is called the two-mill tax. You also spoke about the assessments on property made by the assessors and the valuation of the property. Do you not know the fact to be under the law that the assessors, wherever they had any doubt as to whether a party was rendering his property at its true and just valuation, had the right to correct it and make their own valuation, and submit that to the board of supervisors?—A. Yes, sir.

Q. And the board of supervisors then had the right to review the action of the assessor?—A. Yes, sir.

Q. Do you know what the amount of taxes was in the county of Hinds, for instance, where you have resided for the last three years? Do you know what the rate of taxation, State and county, on a thousand dollar's worth of property was in 1874?—A. I do not remember as to the county levies there, specially; my attention has not been called to that since I have been there, I believe.

Q. You say, however, there has been a very considerable reduction in the taxes?—A. There has been some reduction.

Q. You do not know what it is in that particular county?—A. I do not know that I could say what it is in any particular county. I could not say as to that particular county.

Q. You stated that the assessments were low. Was it not within the power of the tax-assessor and the power of the board of supervisors to have corrected that assessment?—A. It was within the power of those officers to have done it, but they failed to do so, and wherever the failure might exist, it still necessitated a higher per centum to raise a certain amount of money.

Q. When you say they failed, do you mean to say that none of the counties of the State exercised this right?—A. They have exercised it to some extent.

Q. Do you not know in point of fact that they did it in the county of Hinds, where you live?—A. I have given no attention to those local matters in Hinds. I do not know how that was. I suppose I can get the information.

Q. There is no assessment on real estate except once in every four years, is there?—A. Once in four years is the general law.

Q. There has been none since the democratic party went into power in the State of Mississippi, has there?—A. There were some corrections.

Q. But no general assessment throughout the State?—A. No general assessment throughout the State on lands.

Q. Therefore they remained at the valuations which had been given in former times?—A. Yes, sir.

Q. How long were the schools kept open during the time the republican party was in control of the State of Mississippi, from 1869 to 1875, upon the average?—A. Generally I think four months, as required by the constitution.

Q. Do you say that because it is required by the constitution, or do you say it because you know it to be the fact?—A. I think in practice that was kept up generally, as far as my opinion goes.

Q. How long have these free schools been kept open since the democratic party came into power in 1875? How long during the last year?—A. I do not know, without having the reports before me, how long.

Q. Is it not true that they were required to be kept open five months in the year? Read that section.—A. At page 208 of the acts of 1876, I find section 4 of the act to amend the laws in relation to public education, which is as follows:

SECTION 4. *Be it further enacted*, That public schools shall be maintained for at least five months in each scholastic year, and longer if there be money in the treasury to pay for the same, but not otherwise: *Provided*, That counties or districts which may at the beginning of any scholastic year have a debt against the school-fund in excess of an amount that would be raised by a tax of one mill on the dollar, shall not be compelled to maintain schools for more than four (4) months.

Q. Are you prepared to say that the schools in the various counties in the State have not been kept open for the benefit of the scholars as long as they were during the time of republican rule?—A. I have no personal knowledge on the subject for the last year. I have no data before me by which I could answer the question.

Q. You have data before you, however, by which you could ascertain that the amount of money collected for school purposes has been less now than it was during the time of the rule of the republican party in Mississippi, have you not?—A. I suppose the tax-list shows that.

Q. The tax-list does show it, does it not?—A. The repeal of the two-mills tax must show it.

Q. Are you acquainted with Mr. W. H. Gibbs, the auditor?—A. Very well.

Q. What are his politics?—A. He is a republican.

Q. Has he been a republican all the while?—A. Ever since I have known him.

Q. He is the present auditor of public accounts?—A. Yes, sir; he is.

Q. Was he not a member of the State senate, as a republican?—A. He was.

Q. What county did he come from?—A. He came from the district including Amite and Wilkinson counties, I think.

Q. And he was a republican in that State senate?—A. Yes, sir.

Q. Have you had occasion to examine the report of the auditor of public accounts for the present year?—A. Not accurately. I have glanced over the figures.

Q. You have no reason to doubt the accuracy of his statement with regard to the condition of the common-school fund, have you?—A. None at all.

Mr. HOOKER. I propose, in that connection, to include a portion of the auditor's report for the year 1876, as follows: "Document D shows the amounts and condition of this fund. Under the laws of last session, requiring all moneys received on account of redemption and purchase of lands forfeited for taxes, the net proceeds of all fines and forfeitures, and the amount of licenses to retail vinous and spirituous liquors, to be paid in currency, and the proceeds to be set apart as a school fund for pro rata distribution, there has been collected and paid into the treasury $104,009.66. To this amount has been added the proceeds of the United States bonds and interest, which was in the treasury to credit of the common-school fund, amounting to the sum of $60,920.21, making a total of $164,935.87. This amount, it will be remembered, embraces only the proceeds from above sources collected since the 1st day of April, 1876, the date of the act passed requiring all such collections and payments to be in currency. For this reason the entire proceeds of the year from these sources did not go into the common-school fund distributive, and did not therefore equal the amount of the two-mill tax, which is $185,933 22. This deficiency is to be made up from the general fund, and the distribution pro rata to the several counties will be made at once."

(To the witness.) You say that Mr. Gibbs, the auditor, is a republican?—A. Republican.

Q. And he was elected as such, and holds office as such now?—A. Yes, sir.

Q. His judgment about the improved or deteriorated condition of the country since the democratic party came into power in 1875 you would regard as a fair and equitable statement, would you not?—A. Generally I would—as far as he is informed.

Mr. HOOKER. In that connection I desire to put in proof the closing paragraph of this auditor's report. It is as follows:

In closing this report, I desire to return to your honorable body my sincere thanks for the courtesy which you have extended me in our official relations, and the consideration which you have given to the suggestions I have had the honor to make. I desire, also, to extend to his excellency the governor, and to the heads of departments of the State government, and all those connected with the same, my thanks for the uniform kindness, courtesy, and promptness with which they have responded to all requests for information or advice. Our intercourse has been of the most pleasant and agreeable character. Complete harmony of action and a desire to promote the public weal has been the governing rule. No dual governments, no angry contentions, have intervened to provoke discord, and the result is that while other of our sister States have been distracted by dissensions, convulsed by revolutions, and bankrupted by improvident governments, Mississippi is quietly and peacefully pursuing the even tenor of her way, with a State debt so small that the whole amount could easily be liquidated in a single year. Her bonds and warrants are at par, with currency in the treasury sufficient to meet all present demands. Our State has entered on a career of substantial prosperity, well calculated to cheer the hearts of the despondent, encourage the hopes of the patriotic, and give fresh impetus to all her material interests. We should all esteem it an honor, and feel a just pride in having contributed our labors to the accomplishment of so magnificent a result, accompanied with so much good to our fellow-citizens.

I have the honor to be, very respectfully,

W. H. GIBBS,
Auditor Public Accounts.

Q. (To the witness.) There was a great deal of dissatisfaction among

the people of Mississippi with regard to the heavy increase of taxation which occurred during the republican rule, and which culminated in the administration of Governor Ames, was there not?—A. There was much complaint of high taxes; but before Governor Ames went out taxes were being reduced. In 1874 I think the State tax and school-tax amounted to about fourteen mills. In 1875 the tax was reduced to nine and a quarter mills under Governor Ames's administration.

Q. During his administration there occurred a great deal of bad feeling between the white people and the black people of the country, did there not?—A. Well, yes, sir; in some localities; more or less of it.

Q. In that reduction of taxation which you have spoken of, from fourteen to nine and a quarter mills, did they not merely shift the expenses of the judiciary system from the State to the counties? Was not that reduction made in that way, and was it not ostensible and not real to a large extent?—A. The county was required by the act of 1875 to pay the judiciary expenses of the county.

Q. And that was the sort of reduction that was made that you speak of. That is what reduced the State taxes from fourteen mills to nine and a quarter mills, is it not?—A. That may have helped to do it. Still the school-tax remained in force.

Q. But still that was one of the reasons why the reduction seemed to be a reduction?—A. It might have been attributed in part to that.

Q. Were you in Jackson, Mississippi, at the time Governor Ames issued his order for arming and equipping the militia, in 1875?—A. I was there most of the time during the year; absent very little; but I could not say positively that I was in Jackson on that day.

Q. Were you there when he ordered the company of Charles Caldwell, who was a State senator, to march from Jackson, Mississippi, to Edwards' Depot?—A. I have heard of such a thing; I think I was in Memphis at the time it was alleged to have been done.

Q. Do you know whether that colored company was thoroughly armed and equipped and ammunitioned on that march?—A. I do not.

Q. You know, however, that they did make this march through the county of Hinds, do you not?—A. No, sir; I do not know. I was absent in Memphis at the time it was alleged to have occurred.

Q. Were you present at any consultation which was had with Governor Ames, by yourself and others, in which the question arose as to whether or not this colored company, thus armed and equipped, could be marched through the county of Hinds without creating bad blood and probably conflict between the whites and blacks?—A. No, sir.

Q. Were you not present when that matter was discussed?—A. I was not present when that matter was discussed. I was present when another matter was discussed.

Q. What was that?—A. With regard to Vicksburgh.

Q. That is, the assault on Vicksburgh on the 7th of November, 1874?—A. A few days previous to that.

Q. And in the course of that consultation with Governor Ames, state who were present.—A. There were quite a number present. There had some trouble grown up in Vicksburgh, and the sheriff had come over to Jackson to see the governor.

Q. He was a colored man?—A. He was a colored man.

Q. By the name of Crosby?—A. Crosby. The governor called a meeting of the State officers and some prominent friends of his, at the mansion, that night, and had a free consultation or discussion of the matter as to the propriety of attempting to re-instate the sheriff into his office in Vicksburgh.

Q. That was the subject-matter of the consultation, was it?—A. Yes, sir.

Q. This other matter had not then occurred?—A. I think not.

Q. During that conversation did Governor Ames say anything with regard to this probable conflict between the races, and what would be the result of it, and what effect it would have if negroes were sent?—A. The matter was pretty freely discussed and various propositions as to the mode of adjusting the whole matter were made. Some were in favor of his calling the legislature together at once to make an appropriation to arm the militia; others were in favor of the sheriff taking a posse from Jackson; others were in favor of his calling a posse in his own county and re-instating himself into office. I was called upon for an expression, and I think the only expression I gave was to read one section of the code of 1871 upon the subject. In discussing the matter, when it was suggested that Crosby should go back and summon a posse sufficient to re-instate himself into office, some objection was made that it might cause the shedding of blood; and Governor Ames's remark was something like this: "What if it does cause the shedding of blood. 'the blood of the martyrs is the seed of the church;'" and other similar remarks.

Q. Did he make any remark such as this: that the killing of twenty-five or thirty negroes would be serviceable to the republican party?—A. I remember none such.

Q. Did he say anything about the killing of negroes and shedding of blood being beneficial to the republican party?—A. I don't think he said that.

Q. What did he say on that subject?—A. What I have just repeated.

Q. Nothing else besides that?—A. Other similar remarks that I could not now remember.

Mr. TELLER. I hardly think that is a matter you should go into. Still, we have been pretty liberal here, and I do not wish to cut you short.

Mr. HOOKER. I wish to show that the spirit and temper was to provoke difficulty. (To the witness.) How long was this consultation before the marching of these troops and the arming of the colored militia and the marching of the blacks to Edwards' Station, a depot on the railroad?—A. I do not remember the date of the last-mentioned instance.

Q. (By Mr. HOOKER.) What was the date of the conversation you had?—A. Early in December, 1874, probably the fourth day.

Q. Did you not write a letter last year to the New York Herald, or some paper?—A. No, sir; I never wrote a letter to the New York Herald in my life.

Q. Did you not write a letter which was published generally in the papers, addressed to the President, giving an account of the condition of affairs in Mississippi, and particularly with reference to the relations between the races there, and the instrumentality which the then existing government had in producing it?—A. I wrote a letter to President Grant, not for publication, but it got into the papers. That was written on the twenty-fourth of November, 1875.

Q. Did you not in that letter use this expression, and I wish to know whether it expressed your actual sentiments with regard to the condition of public affairs in Mississippi under republican rule: "that no man could defend the record of the republican party for the past three years without stultifying himself?"—A. I think I used some such expression in that letter.

Q. When you speak of the reduction by the republican legislature of 1875 of the taxes from fourteen to nine and one-half mills, or something like that, did not the republican legislature do precisely what you have

animadverted upon as being done by the democratic legislature, in using this common-school fund?—A. No, sir.

Q. They did not?—A. They used no school-fund except that which was made permanent, and that they put into State bonds, and it remained as a permanent fund.

By Mr. TELLER:

Q. You have spoken once or twice of the resignation of Governor Ames and of his impeachment. I would like to have an explanation of the facts about that, and as to how he got out of office.—A. Before the impeachment trial commenced, negotiations seemed to be going on between him and other parties with regard ——

Q. What parties were they?—A. The leading democrats.

Q. In the State?—A. Yes, sir. I think he sent a letter to some leading democrats in the legislature, stating that it had been his calculation or intention to resign, but that under charges he could not well do so; and that if there were no charges against him he would resign, and then the charges were withdrawn and he resigned.

Q. He was not, then, formally impeached?—A. O no, sir.

Q. He went out on some arrangement, did he?—A. He went out on some agreement that the prosecution would be stopped, provided he would resign.

By Mr. HOOKER:

Q. Articles of impeachment had been preferred and were pending in the senate?—A. Yes, sir.

By Mr. TELLER:

Q. Were they withdrawn?—A. They were withdrawn in order to let him resign. They got his office and then stopped.

WASHINGTON, D. C., *February* 16, 1877.

D. C. KEARNS recalled and examined.

By Mr. TELLER:

Question. Where do you reside?—Answer. In Jefferson County, Miss.

Q. Do you know anything about the officers of election having duplicate keys to the ballot-boxes? If so, state what you know.—A. It is generally understood by republicans there that they had, and I was told that they had.

Mr. MONEY. I object to the witness stating what was generally understood.

(Objection overruled.)

Q. Who told you?—A. A very prominent democrat of that county. I would prefer not to give his name.

Mr. TELLER. If you give this testimony, we must have his name.

The WITNESS. R. H. Truley.

Q. State what he said about it.—A. He told me that he had a key for each box in the county; there were eight boxes; and that those keys were given into the hands—that was at the special election—of parties that they could trust, and that where there was a plurality of republican votes the plan was to take them out, and substitute democratic votes or tickets.

Q. When did he tell you that?—A. It was a short time after the election. I don't recollect exactly when.

Q. What election do you refer to as the special election?—A. I refer to the special election for sheriff.

Q. When?—A. I really have forgotten the month. I think it was in August or September, 1876. It was a short time before the presidential election.

Q. Who was running for sheriff?—A. T. W. Hunt, the republican, and J. D. McCormick, the democrat.

Q. Who was elected?—A. J. D. McCormick was declared elected.

Q. Who is this Mr. Truley who made this statement?—A. He is a very prominent democrat in the county, an editor for a while—during the campaign—of the Fayette Chronicle.

Q. Is he a member of the democratic committee?—A. I think not. He had general supervision of the democratic party, though.

Q. How did he come to tell you this?—A. He told me this in confidence. He commenced telling me and I told him I did not want to know it. I was very well satisfied that it had been done, anyhow, from the fact that my precinct polled about 325 republican votes and only 90 came out when they were counted. I remarked, when I heard it, that there was something wrong. I was very well convinced that it had been done and I did not want the information.

Q. But still he told you all about it?—A. Yes, sir.

Q. You voted for the Tilden electors, did you not?—A. Yes, sir; I voted for the Tilden electors and General Chalmers.

By Mr. CHALMERS, (representing Mr. Kernan:)

Q. Was Mr. Truley a member of the democratic committee, in any way?—A. No, sir; I think not. I am not positive about it.

Q. Do you not know that he was not a member of the democratic committee?—A. I know that Judge Torrey was chairman of it. That is all I know about the committee.

Q. Do you not know that Captain Darden was the man who had charge of the county for the democrats?—A. Captain Darden had a great deal to do with it, but Mr. Truley's advice was almost always taken.

Q. Judge Torrey was chairman of the executive committee?—A. Yes, sir.

Q. And Mr. Darden was what was called the chief marshal of the county?—A. I don't know what position he held. I know Mr. Darden was considered a very prominent man. In fact he did not do quite as much talking as Mr. Truley.

Q. Did Mr. Truley have anything to do with that election, in any way, that you know of?—A. No, sir; only to suggest names—that was all.

Q. He was an editor from Fayette?—A. Yes, sir; editor of the Fayette Chronicle.

Q. (By Mr. TELLER.) A democratic paper?—A. Yes, sir.

Q. (By Mr. CHALMERS.) You were a republican before this election, were you not?—A. Yes; and I am yet.

Q. You held an office in that county as a republican, did you not?—A. Yes, sir.

Q. What office was that?—A. Chancery-clerk's office.

Q. Did you not come to me and tell me after my canvass through that county that you intended to support me, of your own accord, voluntarily?—A. Yes, sir.

Q. And you did do so?—A. Yes, sir.

Q. What you state here now is simply a conversation that you say Mr. Truley, who was the editor of the paper, had with you about it?—A. A conversation that I had with Mr. Truley in my buggy coming from Fayette to Rodney.

Q. What time was that?—A. I cannot recollect the time, but it was just after the election a short time.

Q. That conversation had reference to the special election, and did not have reference to the general election, as I understand it?—A. Yes; entirely to the special election for sheriff.

Q. That is all you know about it?—A. That is all.

By Mr. MONEY:

Q. You say you voted for Tilden and Hendricks, and General Chalmers, at this election?—A. Yes, sir.

Q. And you are still a republican?—A. Yes, sir.

Q. What induced you to vote for them if you were a republican?—A. I stated the other day that I had several reasons.

Q. You need not repeat them. Were they good reasons?—A. I believed if the colored vote could be divided there, and also the white vote, that it would be better for the county.

Q. Do you not think it is just as likely that other republicans were influenced by the same reasons which influenced you?—A. It may have been.

Q. That might account for the vote that was polled in that county, very reasonably, might it not?—A. At the special election?

Q. Yes, or at any election?—A. I do not think it accounted for it at the special election.

Q. You do not think the same reason would hold good before the general election?—A. No, sir; I do not.

Q. You do not think, then, it was as good a thing to divide the white and black vote in September as it was in November?—A. I do not mean that. I believe it would be a good thing any time. I did not understand your question.

Q. Do you not think that would have been a good reason, then, in September?—A. I do not think it would apply then as well as to the other election, because it was only a local matter.

Q. Do you not think it would have been just as well to have the white and black vote divided on a local matter as on the presidential election?—A. Yes; it might have been just as good.

Q. Then the reason it would have held good in November would have held equally as good in September, would it not?—A. Yes; I presume it would.

Q. Did you not publish a card advising the negroes to vote that way?—A. I don't know as I mentioned it in my card, but I made one or two speeches advising them to vote so.

Q. Did you not publish a card advising the negroes to vote that way?—A. I think not.

Q. But you made speeches advising it?—A. Yes, sir.

Q. How did it happen that Mr. Truley told you this matter in confidence?—A. I don't know. Mr. Truley is a very good talker, and tells a great many things, probably, that he ought not to.

Q. He is very fond of hearing himself talk?—A. It was a voluntary matter entirely.

Q. Have prominent democrats been in the habit of telling you such secrets as that?—A. No, sir.

Q. This is the first time you ever heard of it?—A. Yes, sir.

Q. He told you that in confidence, knowing you to be a republican?—A. He came to me in confidence, and knew I was a republican.

Q. And yet you say he is the man who ran the democratic party, and whose advice is always taken?—A. It was during that campaign.

Q. And yet he goes to the republicans and tells them such secrets as that?—A. He told me that, I presume, because he knew I had voted for their ticket.

Q. Were you not indicted in the circuit court of Jefferson County for some offense?—A. Yes, sir.

Q. What was it?—A. I was indicted there on a claim that I was indebted to the State for public funds for the redemption of lands.

Q. What became of that indictment?—A. It is still pending.

By Mr. TELLER:

Q. Do you wish to make any explanation about that indictment?—A. I would like to.

Q. Make your explanation.—A. There was a law changing the whole matter of the redemption of lands from the chancery-clerk's office—my office—to that of the circuit-clerk's office. The law required that we should turn over all the redeemed lands prior to this act to the circuit clerk. In doing this I was advised by attorneys in my county, several of them, that the lands which had just been sold a few months before this act should remain in my office as heretofore for two years, subject to redemption. I turned over all the lands to the circuit clerk that had been sold, except the last sale just before the passage of the act. This sale remained in my office until near the expiration of the second year. At that time parties came forward to redeem. Then the question arose as to whether they should pay any damage. I telegraphed Auditor Musgrove and I wrote him several letters, and could never get any definite information in regard to it. Then I allowed some of them to redeem without damages. I took for this redemption what was known as new State warrants entirely—new State warrants and Alcorn money, as it is called. When I desired to pay this over, after making my report in full to the auditor, I was informed by the land clerk, Judge Alderson, that only old State warrants would be taken, and that I must change the warrants that I had for old State warrants. Old State warrants were worth considerably more than the ones I had. I sent by Judge Alderson $225, which he succeeded in exchanging for old State warrants. This money, it seems, was never paid over by Smith, the land clerk, to the auditor; but was found in his box after he died. After this I sent $469 in warrants, addressed to Mr. Smith, the land clerk; for these I never received a receipt or for the other either. I always admitted that there was still a balance of about $300 due the State. I wrote to the auditor several times, and sent messages there, asking him for a settlement. He told me there was nothing on his books showing that I was indebted to the State a cent, only the report that I had made myself, and I was not authorized to receive that money, and therefore the State did not hold me responsible for it; if it belonged to anybody, it belonged back, *pro rata*, to the parties who had paid it to me. I have in my pocket several letters from the auditor to that effect—that he would not receive the money and give me credit for it; and that which had been paid over, the $225, is still there, subject to my order, and the other he could find out nothing about. The grand jury just before the one that indicted me had the matter under advisement. I took up my books and explained the whole matter to them, and they seemed to be satisfied, but when they came to make their report they reported to the court that I was either a defaulter or else was criminally negligent for not having accounted for those funds. On the morning after the report was made I employed an attorney to make my statement to the court. The court, Judge Smylie, remarked that if he had not already dis-

charged the grand jury he would have sent them back to their room; that they had no business to make a report of that kind; that if the facts they stated and the report were true, they should have indicted me. Matters still remained as they had been, and upon the next grand jury there were put some of the most bitter democrats of that county. I wrote them a letter begging them to send for me and hear my statement, with the view of changing this report upon the minutes of the court. I was told by some of the members of the grand jury that this letter was taken as an insult, and that upon that they brought in an indictment against me. I stated to the court that I had always been ready to settle the account, and am ready still to do so just as soon as it is decided who I am to pay it to. It is a matter of $300 that I have been always ready to pay. I always thought that the indictment was made to prevent me from entering into the campaign which was about to come off—the presidential campaign.

By Mr. MONEY:

Q. You state now that this democratic grand jury did this to prevent your entering the presidential campaign?—A. I always thought it was done for that purpose.

Q. Yet you entered the presidential campaign for the democratic President and Vice-President and Representatives in Congress?—A. I took very little part in it.

Q. What you did do was done for them?—A. Yes, sir.

Q. You stated a while ago that there were three hundred and twenty-five republican votes put into the box at your poll, and only ninety counted out?—A. Yes, sir.

Q. How do you know that there were that many put in by republicans?—A. I was told so by——

Q. You said at first that you knew it, did you not?—A. No, sir, I did not say so, I think.

Q. You did not say at first you were told so? You stated that as a fact?—A. I wish you would read over my answer.

The reporter here read the answer of the witness, as follows: "I was very well satisfied that it had been done anyhow from the fact that my precinct polled about three hundred and twenty-five republican votes, and only ninety came out when they were counted."

The WITNESS. I meant there that that precinct generally polled that many votes, and there was a very full vote.

Q. (By Mr. MONEY.) Then you meant to say that you did not know how many votes went into that box for the republicans?—A. Only that. It was a very full vote, and the precinct polls that many votes.

Q. Was there a pretty full vote at the presidential election?—A. They were there, but they did not vote; a great many went home not finding any republican tickets there.

Q. Then you concluded, because there was a full vote, it should have been republican, do you, and for no other reason? Is that your reason for asserting that there was a full republican vote there, because the people turned out and voted?—A. I spoke of the special election.

Mr. MONEY. I am talking about that too.

The WITNESS. That the republican tickets were put into those parties' hands.

Q. That was your idea, because these parties were given republican tickets they ought to have been put in?—A. A large number told me afterward that they voted.

Q. How many?—A. I suppose not less than fifty.

Q. Yet upon that statement you assume to state here that there were three hundred and twenty-five republican tickets put in there?—A. I do not say that.

Q. You take that back, then. All that you have stated here about this, is simply upon hearsay?—A. That is all. I know nothing about it of my own knowledge at all.

Q. Was there not a republican upon that grand jury that you spoke of?—A. Yes, sir.

Q. How many were there?—A. Five republicans—colored men.

By Mr. TELLER:

Q. You acted in this matter under the advice of your attorneys as to the payment of this money, did you?—A. Yes, sir; entirely.

Q. And as to the receiving of it?—A. Yes, sir.

By Mr. MONEY:

Q. Were you examined in chief here the other day?—A. Yes, sir.

Q. Why did you not tell this committee of the cause then?—A. It was not asked me, and I was dismissed before anything of the kind was asked at all.

Q. Did you not make a statement as to the condition of things down there during the canvass?—A. I was asked only as to the general election, as I understood it; the presidential election.

Q. You were not questioned about this at all?—A. No, sir.

W. D. SPROTT sworn and examined.

By Mr. TELLER:

Question. Where do you reside?—Answer. I reside within a mile of Port Gibson, Claiborne County, Mississippi.

Q. How long have you resided there?—A. About twenty-one or twenty-two years.

Q. What is your business?—A. I am a physician by education, but have been planting for twenty years; living on a plantation; I have not practiced medicine.

Q. What State are you a native of?—A. Pennsylvania; Beaver County, Pennsylvania.

Q. Have you taken any part in the elections for the last few years?—A. When the war was over, and since then, I have taken but little part in the elections. When the war was over I joined two ex-Federal officers and assisted them in registering the county. I held no position until, I think, the 20th of July, 1872, when I became superintendent of education of the county, and have held that position ever since.

Q. By election or appointment?—A. By appointment of the State board of education, and confirmed by the senate. After the democratic legislature was in session in January, 1875, I was elected by the State board and was confirmed by the democratic senate. I am still superintendent of education, unless I have been removed in the last few days.

Q. Did you take any part in the campaign of 1875?—A. I did.

Q. What part did you take?—A. I was candidate for sheriff in 1875 in Claiborne County, Mississippi.

Q. You may state the character of the campaign.—A. Well, sir, in the fore part of the campaign of 1875 I canvassed the county. I believe I know every man, woman, and child nearly in it. I canvassed the whole county peaceably and quietly and made speeches to the republicans. Everything passed along pleasantly until, I think, the republi-

cans appointed a meeting at Rocky Springs and notified a lot of us candidates there in Port Gibson to come up and address them. We had a very good brass band, and when we went up there we took it along. We got to the school-house where they usually meet, and there were scarcely any colored people there. Over at the store, perhaps half a mile from where the school-house was, we heard what sounded like a little cannon or anvil, which was fired perhaps half a dozen times at intervals for half an hour. I think it fired once or twice, when I saw a young man going past us on horseback as tight as he could fly; then another, and then another. I did not know what it meant. That was about my first introduction to opposition to republican meetings, and I did not understand it. In perhaps fifteen or twenty minutes there were I should think thirty men, who came marching two by two from the store to where the speaking was. When they got there James Page had by that time commenced to speak; and these men who marched up there formed in line right in front of the speaker. The head man was Dr. J. W. Allen. He commenced to interrupt the speaker and dispute his statements, telling him, "That is so," and "That ain't so," with an occasional taunt at myself, standing perhaps fifteen steps from him. I never replied to him, for I looked at his crowd, and I thought from their appearance that they would fight, and we were not prepared for it. Allen told the speaker that that was enough; he could quit now; that that was about all the republican speaking they intended to have there that day, and as for the rest of us, the sooner they got away from there the better. I quietly sent word to the band-wagon to hitch up and get ready to go away from there. The band-wagon was full of straw, which the boys had to put their feet on and to pile their brass instruments on to keep them from being damaged and bruised, and this man Allen and these other men seemed to be very anxious to have that straw thrown out. I did not at the time understand what they meant, but I afterward learned that they thought there were guns in the bottom of the wagon. We got away from there as soon as we could conveniently, amid the hooting of the crowd, and left for Port Gibson. Our band played them a tune or two as they came along by the store. I did not see them have any guns in the store, for I did not go in there. My men told me—this is hearsay—that there were plenty of guns in there.

Q. Were those men on horseback armed?—A. No, sir; there were none of them armed.

Q. Did they have pistols or anything else with them?—A. I did not see any pistols. It is a custom for everybody in that country to carry pistols. I carried mine. I presumed everybody had pistols.

Q. So you presumed that everybody had them?—A. Most assuredly.

Q. It would have been an unusual thing if they had been there without them?—A. Very unusual. That was the first time that I had seen a republican meeting broken up, I believe. The next meeting that I attended was at a place called Bethel. I believe our people had a procession. The colored people are great on processions. I think they had a procession a mile long at least. They marched until I got tired before they got to the place of speaking, and when they got to the place of speaking, there came in, I should think, twenty-five or thirty horsemen, and the first thing that greeted me was a demand for a division of time. Our speakers, after talking considerably, agreed to divide time with them; and after J. B. Vashon, of Alcorn University, had spoken, and, I think, Mr. Stiles also spoke, these gentlemen who wanted a division of time declined to take it, as they said, because they were afraid of a personal difficulty.

Q. Do you mean the democrats?—A. Yes, sir. They were afraid of a personal difficulty and they declined to have any part in it. The meeting passed off quietly. The next meeting was at Pine Grove.

Q. If there was no disturbance you had better say nothing about it. —A. Yes, sir. The next meeting, I think, in the order, was at Pine Grove. I was there. Our people were there to quite a large number. There was a wagon in the possession of the democrats driven on to the grounds, and it was whispered, in my hearing, that it was loaded with breech-loaders. I saw a crowd around it apparently, and I walked up to a gentleman sitting on the seat and asked him about a church; he was a baptist, and they had been using one of the school-houses as a church; and I asked him about the church—whether they proposed to pay rent for it or what arrangement we could make about it. At the same time I was looking in the wagon. I satisfied myself that there was something in that wagon which was very closely covered up with fodder; and I did not think it was healthy for me to put my hands on the fodder. I turned to walk away—and I should think there were twenty men as tightly packed against me as they could be—and the only way I got through them was by a steady pressure out, and saying, "Well, boys, it is kind of close here." I got away from the wagon satisfied in my own mind as to what was in it, although I saw no guns.

Q. Still you were satisfied that there were guns in it?—A. I would have held up my hand and would have sworn it right then as much as I would as a physician—say a woman was with child, which I could see from the appearance—although I saw no guns. I was told in a few minutes that it was not healthy for me to speak. I said, "Halloo, can't I speak here?" They said, "No; you can't."

Q. State by whom you were told that.—A. I could not say to-day, to save my life.

Q. Were they democrats?—A. It was one of our own boys—one of our people.

Q. The democrats or republicans?—A. No, sir; it was some republicans. A republican told me not to speak. The first one of our speakers that spoke got along pretty well, but the second one was interrupted right straight along, and then our former sheriff, or the man who was sheriff at the time, got up and dismissed the meeting, and told them that the campaign had scarcely opened yet, and it was best that they should take out their cotton and let the campaign go for a while. He was the most thoroughly scared gentleman I ever saw in my life. In fact, I did not feel well myself.

Q. Was the sheriff a white or black man?—A. He was a colored man. I quietly went out of the crowd and got my horse; and the young man who was candidate for the legislature on our ticket and I took a by-road. We did not travel the public road on going home. That was the last republican meeting I attended, until the 30th of October, 1875. The 30th of October, 1875, had been extensively advertised, and people from all portions of the county were coming to the meeting. That morning we were getting up four nice horses to put to the band-wagon—the wagon belonged to me—and the boys were very late getting it up, and I was late getting into town myself, and when I did get into town I found the streets thronged with men who were very much excited. I was told our boys were on the flat beyond town forming in line. I rode past the court-house going down the street toward them, and I found in the street in front of me at least eighty men in line.

Q. White men?—A. Yes, sir; all citizens there. I knew every one of them. I saw them all in line, and apparently cornering across the

street. From the uneasy state of things that morning, I did not feel like riding by them, and I went off to the left of the square and tried to get to our men, and as I got out past that square, the first thing I knew, just to my right, there were at least one hundred and twenty-five men on horseback, and the first thing that greeted my ears was the hooting of "there goes Dr. Sprott," and epithets against the republicans such as they generally heap on them there. I just passed right on. Our boys were winding around on the flat, I think stretched out a mile in length. The marshal of the day had stretched them out, and the band-wagon was moving at their head.

Mr. TELLER. You may go right on; I will be back soon.

The WITNESS. I went to our people; went down the line and talked to them as I went along. We finally moved up into town, and went up one of the back streets. We moved up one of the back streets and crossed over to Church street, and were going down that street. I was perhaps a quarter of a mile from the head of the column, when I saw men striking in anger at men in our columns. Our column was broken, and I must confess I felt very uneasy. There was not a gun in sight in our column at the time. I looked on with a great deal of uneasiness for five or ten or fifteen minutes perhaps; I do not know for what length of time; a short time at any rate; but directly our column passed on. As it passed on we came along a little past where this trouble had been, and there stood these white men ranged right up in line. We passed right in front of them. I should think two-thirds of them had their pistols at half draw, just so that we could see them. We passed on by them and turned into a by-street to cross over to the court-house, crossing the street like, and there were the cavalry that I had seen, right square across our road at a halt. Our band-boys were very much excited. I do not know that any of them were struck; at least I did not see it. But they were very much excited, and some of the boys complained that they wanted their guns. I begged them not to talk about guns; that we had no guns, and that the others had their guns in reach, and that we would be just in their power. At that time this cavalry was right across the front of our line, several of them having their pistols at a half draw.

By Mr. PEASE, (representing Mr. Teller:)

Q. What do you understand by "half-draw?"—A. Half out of the scabbard, so that you could see what was there. They were mostly these big Smith & Wessons.

Q. Was there any similarity in the uniform? Did each one of them have a scabbard?—A. No, sir; I don't know that there was. But the pistols were half out, so that you could see them. I turned back and went around the square up to the court-house. I went up to J. L. Kennard and I upbraided him with his promise to me that if the colored people came into Port Gibson without arms they should not be molested. He protested that he had made the statement to me in good faith, and that he intended to carry it out; and he passed rapidly to where the difficulty was, with the intention, as I supposed, of stopping it and letting our procession pass. Everything was in a great hubbub at the time; I could see that there was a very feverish excitement, and there was talk all the time, such as "the republican leaders are the men we want." I turned my horse and rode to the barbecue grounds, and was at the barbecue grounds when the band-wagon came up. I showed them where to put the band-wagon, for we generally spoke out of the band-wagon. While I was showing them where to put the band-wagon, I

looked and saw these footmen coming up, and these horsemen also. By this time at least one-third of the footmen were armed with breech-loaders. I turned my horse down the hill and quietly rode up a valley, and came out on a point where I could see the whole performance. I hitched my horse back of the hill and stood there looking at the whole thing, and at our people there on horseback, driven to one side, while these white men were all up around where our barbecue was. Directly I heard a cough down the hill behind me and I turned and looked and saw the candidate on my ticket for chancery clerk going at the top of his speed. I hallooed his name at him and he ran the harder; and I yelled at him to stop, and he did so. Directly after came the candidate for the legislature after him. It didn't seem to be healthy at the barbecue grounds at the time.

Q. What do you understand by healthy?

Mr. CHALMERS. I object to any examination unless there is a Senator present. If he chooses to go on and make his statement, I will not interrupt him.

Mr. PEASE. Go on with your statement.

The WITNESS. I thought there was a danger to life at the time, if I remained there, is the reason I left. That is what I mean by saying it was not healthy. I staid there until I saw our people quietly dispersing and going off. That is the last I knew personally about that meeting.

By Mr. PEASE:

Q. Was this in 1875 or 1876?—A. That was the 30th of October, 1874. That was on Saturday. The election, I believe, was on Tuesday. On Tuesday morning I rode into town to the election. I reckon it was 10 o'clock when I rode up by the court-house. When I got within perhaps one hundred and fifty steps of the court-house, I heard firing. I halted my horse immediately, and studied a minute to see what that meant. Directly my friends came by me like the wind, and I turned my horse and quietly rode home. I did not think I wanted to vote that day. That closed the campaign of 1875.

Q. What was the reason you did not want to vote?—A. I was afraid to go up to where the election was.

Q. From a fear of personal harm?—A. I was. I thought this firing was at my friends at the time, and in a moment afterward when I turned my horse toward home, I saw the people flying by me like the wind, saying that they were killing them by the dozen up there, and I thought it was no place for me.

Q. State what you know in relation to the manner of conducting the election in 1876.—A. I took no part whatever in it, that you would call a part. I kept as quiet as I could. I was superintendent of education. I don't think there was what you would call a republican meeting held in the county.

Q. Why not?—A. Well, it was said just in the wind, every place, that the republicans should not hold a meeting, and I believe the republicans accepted it as the case.

Q. What had been the political complexion of that county, so far as majorities were concerned, prior to 1875?—A. We generally carried the county by from seventeen to eighteen hundred majority.

Q. Do you know the vote in 1875 in that county?—A. No, sir; I do not, simply because in the district of Pittona, in 1875, we always carried that district with about eight hundred majority, and there was not one republican vote cast there in 1875. In the district of Bethel, the ballot-box was taken and the tickets destroyed.

Q. Do you know by whom that box was taken?—A. I did not see them.

Q. Is there anything further you wish to state?—A. No; I do not think there is about 1875. In 1876, as I told you, I took no part in the election. J. R. Lynch gave out that he would have a meeting there on the 21st of October.

Q. Who is J. R. Lynch?—A. Hon. J. R. Lynch. I believe he is at present a member of the House of Representatives.

Q. Was he a candidate for Congress?—A. I believe he was. I would state—but this is mere hearsay——

Q. State only what you know.—A. People were coming to me all the time—republicans were—and stating that they could not register. I don't know as that is hearsay. The republicans were reporting to me every day that they could not get to register. In the district of Pittona there was five hundred and twenty-five or five hundred and thirty registered, when there are at least eight hundred republicans there, and at least seventy-five white men.

Q. Did these parties who said to you they could not register give any reason?—A. They said that they asked them so many questions that it consumed time, and they got no opportunity to register; that on the last day of registration, when they closed, there were two or three hundred men there to register, and they could not get the time. On the 21st of October J. R. Lynch was to speak at Port Gibson, or rather a half a mile from town——

Q. Can you state, with any degree of accuracy, the number of men who were refused registration in your county?—A. No; I could not.

Q. Can you approximate it?—A. Well, I do not know that I could. There seemed to be universal complaint among the people. The republicans especially would come to me and complain that they could not register.

Q. You have been a somewhat prominent leader of the party there, have you not?—A. Well, a great many of the people come to me and look upon me as a republican. I have always acted with the republican party. On the 21st of October J. R. Lynch was to speak at Port Gibson, or rather at the speaking-grounds, half a mile from town. I had concluded not to go to the meeting. I was rather afraid of it. I thought that the republicans would not be allowed to speak, and I did not care about going, but on the morning of the speaking, a friend of mine came out from town and begged me to come to the speaking. About, I should think, ten o'clock I got on my horse and started to go to the meeting; and when I got down to the corner of my field, one of the colored boys came back to me, running, and says, "Doctor, there are fifteen pickets on the road just around the bend there." Says I, "Pickets on the road? What are pickets doing there?" He said, "I don't know, sir." I was by myself. I turned back and went back home, and went around through the fields—I knew the Grand Gulf boys were coming up, and I thought I would join them and have company going along while the road was picketed. I joined them, and I reckon I was with them about three-quarters of a mile——

Q. (Interposing.) You have mentioned the boys frequently. What are we to understand by that?—A. I mean the colored men that are republicans. I was with the people going along the road, and there came a messenger from town who stated that there were at least two hundred and fifty or three hundred of the white-liners from Port Gibson getting out their guns. "Well," says I, "look here, men, the best thing you can do, to my notion, is to go home, and let Mr. Lynch's meeting go."

Says I, "I am going to go home and stay there, and you had better do so too." They turned back, and were on their road back when I last saw them; and I went home and staid there. The next day at twelve o'clock I was informed by E. H. Styles that they had a warrant out for me the night before; that they were going to put me in the jail and keep me there until they would have a vigilance committee to hang me. I went to Jackson and remained there three weeks. That is about all I know of the campaign.

By Mr. TELLER:

Q. Were you holding any office under the Government of the United States at that time?—A. I had received, a few days before, the appointment of deputy United States marshal under J. L. Lake, jr., of Jackson, Miss.

Q. Was that fact known in the community?—A. No, sir; I do not think it was much. I didn't make any effort to make it known. I believe that is all I know about the campaign.

Q. That is all you wish to state, is it?—A. I believe so.

By Mr. CHALMERS:

Q. You say that the colored people were great on processions in your county?—A. Yes, sir.

Q. Previous to the election of 1875 was it not the universal custom with them to march to all meetings in procession?—A. Well, I don't know as it was.

Q. What do you mean then by their being great on processions?—A. Well, they like to have a procession. They like to have the United States flag, and like to have a band of music at their head when they can get it; and when they have a meeting they most always have a band.

Q. And when they had a band did they not generally go in a procession?—A. Very likely.

Q. Did they not generally have arms with them, prior to 1875?—A. Never as I knew of.

Q. Do these colored people in Mississippi carry pistols as much as the whites?—A. I don't know as they do.

Q. Do you not know that they spend their money to get even old pistols?—A. I don't know as they do. What arms they have are of a very inferior quality.

Q. Do they not try to get arms of some kind; and have they not done so ever since the war?—A. Well, I don't know. I believe they do. They support themselves by hunting a great deal.

Q. You spoke of a meeting at Pine Grove. Is that in the direction of Jefferson County, towards Red Lick?—A. Yes, sir; towards Red Lick.

Q. Did not the colored people have arms in their wagon on that occasion?—A. No, sir.

Q. They did not?—A. I don't think they did. They did not to my knowledge; and if they had had them I would have known it.

Q. Was there more than one meeting down there?—A. That was the only one I ever attended there.

Q. Did you attend any meeting in that county during that year in which the colored people had arms in a wagon?—A. Not that I know of. I never knew them to have arms that year.

Q. You never knew them to have them?—A. No, sir; I did not.

Q. Did you know them to have arms in previous years?—A. I did not.

Q. At no meeting whatever?—A. No, sir. There never seemed to be any necessity for it.

Q. You say they had no arms in the wagon at that time?—A. No, sir; they had no arms in the wagon at that time. The only arms in a wagon belonged to the white men.

Q. That you did not see, but still you are willing to swear to it?—A. Yes, sir. I am willing to swear that there were arms in that wagon, packed over with fodder.

Q. Upon this 21st day of October, were the colored men going into town with arms of any kind?—A. Yes, sir; they had some arms with them.

Q. How many of them?—A. I do not know. I reckon forty-five or fifty of them had guns of different descriptions. They were not going into town. There was no proposition to go into town.

Q. Where were they going with guns?—A. To the speaking-ground. My understanding with them was that they were going to leave them a short distance from the speaking-ground. Several of them that I talked to—I said, "Boys, what have you got these guns for?" "Well," they said, "doctor, they run us away from our dinner last year, and eat it up from us, and we are not going to stand it this year."

Q. They were marching with their guns on their shoulders before you got to the pickets, were they?—A. No, sir; when I saw them they were hiding the guns.

Q. Did they ever hide the guns?—A. Yes, sir; I think so.

Q. Where did they hide them?—A. In the bushes, I think; I don't know.

Q. Did you not tell them that you would not go with them if they did not take their arms?—A. No, sir; I never did. I said to them, "Men, you are hiding your guns two miles from the speaking-grounds. Hadn't you better carry them up closer and hide them?"

Q. Where was it that you say the report came that there were pickets in the road?—A. I reckon it was a mile.

Q. And it was two miles from the grounds before the men had started to hide their guns?—A. O, no; they were hiding their guns half a mile from where the pickets were.

Q. You told them to carry their guns up closer?—A. Yes, sir; to carry their guns up closer.

Q. And yet you say you did not tell them at that time that you would not go with them unless they carried their guns?—A. O, no, sir; I never told them any such thing.

Q. Do you not know that the first firing that was done that day was upon the sheriff's posse by these men?—A. No, sir; I do not. I am positive that it was not the first firing that was done that day. The first firing was done at my gate, while I was sitting in my gallery, and I was overlooking it.

Q. How far was you from the bridge that leads into town?—A. I reckon it was a mile.

Q. Where was it the sheriff's posse was fired upon?—A. I do not know that they were fired upon.

Q. Where is it alleged to have been fired upon?—A. Two miles from town; at the Two-mile bridge.

Q. How far is your house beyond that?—A. It is not beyond that at all. Here is the position of my house, [illustrating by a sketch.]

Q. Is your house nearer the town than the bridge is?—A. [Illustrating by the sketch.] Yes, sir. Here is Port Gibson. The speaking-ground is half a mile from there, in this direction. My house is up here.

and the Two-mile bridge is away here. Now the road runs from Port Gibson in that direction. My house is away up here. Here is my gate. There is where the first firing commenced—right there. I was sitting on my gallery with my wife when the firing commenced.

Q. Where was it that you joined this party of armed men that morning?—A. Away down here.

Q. You came from your house over here?—A. I went down here to go to the speaking; and when I got down here the boys told me that there were pickets ahead of me; and I said, "What are pickets doing here?" Then I went back and came around this way and joined the boys over here. They were hiding their guns; and I said, "Well, boys, carry your guns closer." Then a messenger came from town and said they were coming up with guns. Said I, "Boys, if they are turning out with guns, you go home," and they did so; and I went back to my house. Then about three hours after that they commenced firing, and desultory firing continued away on to here.

Q. Did you take your gun with you?—A. I did. When I went down here I found pickets on the road. I went down to my house and got my own gun.

Q. You did not advise the boys to go back when you met them, did you? You advised them to carry their guns on further?—A. Yes, sir; closer to the speaking-grounds.

Q. Was that after you heard that there were pickets?—A. Yes, sir; the messenger came from town and said they were getting out their long guns from Port Gibson. Said I, "Boys, we don't wan't to fight. You had better not fight."

Q. What did you want them to carry their guns closer to the speaking-grounds for?—A. They said they would not go unless they did carry them.

Q. But I understood you to say that they wanted to hide them back some distance, and that you advised them to take their guns closer to the ground?—A. Yes, sir; I considered that it was a bluff game; that the other fellows had their guns, and we might as well have ours.

Q. You got your gun and went around with these fellows to bluff them?—A. We went around to the speaking-ground. I did not intend to carry my gun to the speaking-ground. It was not my intention to carry it there at all.

Q. You say you left the next day?—A. Yes; I left at twelve o'clock the next day.

Q. Was there not a warrant out to arrest you for a conspiracy to murder the sheriff and his posse?—A. No; I do not think that was it.

Q. Do you not know that there is a charge pending against you there now for that?—A. There is a charge pending against me for an attempt to create a riot. I left at twelve o'clock on Sunday, on the advice of E. H. Styles, the former district attorney.

Q. Mr. Styles was a republican, was he?—A. Well, I believe he claims to be a democrat now.

Q. What did he claim to be at the time he advised you to go away?—A. He claimed to be a friend of mine.

Q. Did you see any democrats at all that day who had guns, or any white men?—A. No, sir; I did not.

Q. Did you see Mr. Lynch that day?—A. I did not.

Q. And you say that you don't remember any republican meeting in that county at which the colored men or republicans carried their guns in a wagon?—A. I never knew of their carrying guns in a wagon.

Q. You never knew that to be so?—A. No, sir; I never knew of it.

The only time that I ever knew of the republicans having guns was this time that I started to Lynch's meeting on the 21st of last October.

Q. You said something just now in reference to the time when you were marching around town, when the streets were thronged with men, about your band-men getting uneasy, and demanding that they should have their guns?—A. Yes, sir.

Q. Where were their guns at that time?—A. There were some individuals of the band who wanted to go to their houses and get their guns, and I rode up to them and begged them not to get them; that there would be no hope in taking a gun out when all these men were armed against us. We had no guns.

Q. Did the band live in the town?—A. I believe a few of them lived in the town; the rest lived in the country.

Q. Why did they demand their guns of you?—A. No; they did not demand their guns of me.

Q. Who did they demand them of?—A. They talked about getting them out—going to their houses and getting their guns. I did not see this, but the band complained that they had been hit over the head with clubs on the street, and one or two of the band were furious. I rode up to them and begged them to soften down, and not to make any fuss; that we were in the minority there that day, as far as arms were concerned.

Q. Up to that time you had seen no arms. It was after that that they armed themselves, was it?—A. No; the white men had their side-arms—Smith & Wessons—all the time.

Q. You say they carried them all the time, and you had your own with you?—A. I never went without it.

Q. Very few southern men do go to public gatherings without their pistols with them, do they?—A. I do not know what others do. I usually have one of them about in my breeches some place.

Q. Do not most of the people, white and black, carry them?—A. Not those big Smith & Wessons; they are heavy to carry.

Q. They are very expensive, are they not?—A. Mine cost $28.

Q. It is not every colored man who can afford to spend $28 dollars for one, is it?—A. I don't know. I thought it was necessary, and I laid out the expense.

Q. There was nothing unusual, then, in that crowd, if it is customary for people to carry their pistols?—A. Yes; there was.

Q. What was there? You say that they had their pistols, and that that is a usual thing?—A. These people had their pistols half drawn, and that is very unusual to me.

Q. I understood you to say that they went and got guns. Was there an organization there that had arms?—A. Yes, sir. The day of the election—this is hearsay——

Q. I do not want to hear any hearsay testimony.—A. I would like to tell it. When I turned around, there was a bugle blown, and I was told that eight men went right across the street with their breech-loaders. I did not see it.

Q. I want you to state now if these guns do not belong to a military company there in town?—A. Of white-liners.

Q. And they were not resorted to until after the difficulty occurred, were they?—A. Which difficulty?

Q. The firing that you spoke of?—A. Yes, sir; they were resorted to when the firing was going on, and after they blew the bugle; there was a long slim store filled with these men, and they came out on the street immediately; that is history.

Q. They stood there in self-defense?—A. Self-defense against a lot of poor colored people, who did not have an arm. The Pine Grove delegates had a white flag flying at their front, too.

Q. How many of these men were there?—A. One hundred and sixty in the Pine Grove delegation.

Q. How many colored people did you have in town that day?—A. I do not know. I did not see any of them.

Q. You did not see any of them?—A. Yes, sir; I saw some of them running by me mighty fast.

Q. How many were there there?—A. I don't know.

Q. Were there not three times as many as there were whites?—A. Well, there might be; but, General Chalmers, one man with a breech-loader, what are a dozen negroes against him?

Q. They did not get these guns until the bugle blew, did they?—A. No, sir; they did not.

Q. Was not that their signal of distress?—A. No, sir; they were not afraid.

Q. They say you are not afraid at all?—A. They say personally that I am not afraid, but when a crowd comes they say I will run.

Q. They told me down there that you would not run?—A. Yes, sir, I will; I have run several times from a crowd. But personally it takes two or three to make me run.

Q. You did not run that day, did you?—A. Yes, sir; I did. I turned about and rode home. I didn't want to vote that day.

By Mr. TELLER:

Q. This military company that Mr. Chalmers speaks of is not a militia company, is it?—A. It is a malicious company.

Q. It is not organized under the statutes of the State, is it?—A. Organized under the statutes of the white-liners, I believe. It is a democratic organization.

By Mr. CHALMERS:

Q. Do you swear positively to that, that it is not a chartered company?—A. O, I don't know whether it is chartered or not.

Q. Do you swear to that?—A. I won't swear that it was chartered. I swear that it was organized, and splendidly organized.

Q. And there are plenty more of them there?—A. I know that as well as you do.

WASHINGTON, *February* 20, 1877.

ETHELBERT BARKSDALE sworn and examined.

By Mr. HOOKER (representing Mr. Kernan:)

Question. Please state your age, residence, and occupation.—Answer. I reside in Jackson, Hinds County, Mississippi; my occupation is that of an editor.

Q. What is your position in the democratic organization of Mississippi?—A. I was elector for the State at large on the democratic ticket at the last election, (1876,) and a member of the national executive committee of the democratic party; also an adviser with the State executive committee.

Q. What part did you perform in the last canvass in Mississippi?—A. My principal part was that of presidential elector. I also rendered services on the two committees which I mention, the State and national executive committees.

Q. What portions of the State did you visit as elector?—A. I visited the middle, southern, northern, and eastern portions—various portions of the State; quite a number of counties, probably as many as twenty or thirty.

Q. What was the character and number of persons composing the audiences that you addressed?—A. The audiences were generally large. At some meetings there were probably two thousand persons, at others as many as six thousand. They were composed of white and colored people. Very frequently ladies attended at open-air meetings.

Q. Were you present at a meeting in Hinds County—at Raymond, the old county-seat, on the 18th of August, 1876?—A. I was.

Q. Did you address that meeting?—A. I did.

Q. About how many persons were present on that occasion?—A. The number was estimated at about six thousand.

Q. What proportion of the six thousand were colored people?—A. I should say about one-half.

Q. What proportion of the colored people were in the democratic procession?—A. I think the estimated number—I am not sure of an actual count, or the precise enumeration—but the estimated number was about seven hundred.

Q. In the procession alone?—A. In the procession alone.

Q. Did the colored men bear the banners of the party?—A. They bore the banners of the party, and wore the uniforms of the party.

Q. Did they participate with zeal and activity in the meeting of that day?—A. With a great deal of enthusiasm; and in that connection I will mention that in several cases especially my attention was called to the fact that some of the democratic clubs were represented by a majority of colored persons.

Q. In that meeting?—A. Yes, sir.

Q. Was there any disposition manifested by the whites at that meeting, or any other meeting in your canvass in Mississippi, to use any undue influence with the colored population to persuade them to vote the democratic ticket other than appeals to them that it was their common interest with the whites to do it?—A. There was none. The appeals which were made to them were that it was to their interest as citizens having in view the preservation and protection of their rights to vote the democratic ticket. There was no sign of force, violence, or intimidation of any sort. On the contrary, there was entire harmony between the races. I never in all my canvass saw any signs whatever of any means excepting those of peace and good will between the races. My own arguments were addressed altogether to the reason of the colored people, and to the pledge that they would be protected in their rights in the event of the democratic party being successful, precisely as the whites were protected; and in evidence of that I cited the platform of the democratic party and the pledges of Mr. Tilden and the action of the democratic legislature of Mississippi, which had but recently adjourned.

Q. Were you consulted specially with reference to the management of the canvass in the county of Hinds? if so, please state what you know about the manner in which that canvass was conducted.—A. Yes, sir; I was consulted in reference to it by members of the executive committee and other leading members of the party there. The plan of the canvass was that the clubs would be organized; that as many members as possible would be received into them; that the colored people should be persuaded that if they would vote the democratic ticket their rights would be secure, and peace and good-will would be established between the races.

Q. Was there in any consultations which you held with the executive committee or any other persons in regard to the canvass anything like an idea that force, fraud, or intimidation should be used toward the colored people? If so, state it.—A. There was not; never in my hearing.

Q. Do you know J. T. Lester, one of the board of registrars of Hinds County, at the last election?—A. Yes, sir.

Q. How long have you known him?—A. I have known him since his boyhood.

Q. Did he ever have any conversation with you in reference to the late election in the county of Hinds, Mississippi? I mean the election of 1876, while he was performing the duties of his office?—A. He did, sir; several times during the canvass.

Q. Did you have frequent conferences with him?—A. Several; I would say at intervals through the canvass.

Q. Up to the time of its termination?—A. Up to that time.

Q. And after its termination?—A. Yes, sir.

Q. State what was said in those conferences.—A. Feeling an interest in the success of the presidential ticket, which I, in part, represented, I of course inquired of Mr. Lester, knowing that he was traveling over the county attending to the duties of his office, and thinking that I would be able to obtain information in reference to the progress of the canvass and its prospects, I inquired of him upon those points. He told me invariably that the democratic party would carry the county by a large majority; that the colored people were joining the democratic clubs in such numbers as to make it absolutely certain.

Q. That was his unvarying representation?—A. Yes; and, in further reply to your question, I would mention that about two weeks before the election a publication was made, I think, by Judge Ware——

Q. You allude to the chairman of the republican State committee?—A. Yes, sir; complaining that improper means, probably intimidation, and other improper means, were being resorted to by the democratic party to carry the county, and Mr. Lester, who was a member of the board of registration, wrote a reply to that statement for publication in the Clarion newspaper, published at Jackson, Mississippi. It was not deemed necessary by the managers of the paper to publish his reply.

Q. State in that connection whether or not you are one of the editors of that paper.—A. I am one of the editors of that paper. Mr. Lester prepared a publication in reply to the statement made by Judge Ware, the purport of which I have here, and which I will answer your question by producing. It is brief, and I will beg leave to read it.

By Mr. McKEE, (representing Mr. Teller:)

Q. Is that in Mr. Lester's handwriting?—A. No, sir; it is an affidavit made by General Faulkner, of the contents of this statement which he published, or which he prepared for publication.

Q. Where is the paper itself?—A. I have not the paper. I have an affidavit setting forth the contents of it.

Mr. McKEE. We shall object to that.

By Mr. HOOKER:

Q. Did you have any conversation with Mr. Lester in reference to that paper?—A. I did not. The contents of the paper I can state, if you object to the production of the statement.

Mr. McKEE. That is better.

The WITNESS. The substance of it was that there was no intimidation or other unfair means employed by the democratic party to carry the county.

Q. (By Mr. HOOKER.) This you will state of your own knowledge as the contents of that paper of Mr. Lester?—A. Yes, sir; and that the democrats would carry the county by a very large majority, and that his statement was based upon his knowledge of the fact that, outside of Jackson, nearly all the colored people of the county had joined of their own accord the democratic clubs of the counties. That was the purport of the paper which Mr. Lester prepared for publication in the Clarion newspaper.

Q. In reply to the allegations made by Judge Ware in his publication?—A. In reply to the allegations made by Judge Ware in his publication.

Q. Which allegations were in substance that fraud and force were being resorted to to influence the colored population of the State to vote the democratic ticket?—A. Yes, sir.

Q. In any of the conversations which you held with Mr. Lester at any time during the canvass did he say anything to you about a project of his to procure duplicate keys for the ballot-boxes, and to use them?—A. Never, never! There was never the remotest intimation of such a purpose.

Q. I will ask you in this connection to state, if you please, whether Mr. Lester had not occupied some position connected with your publishing-office of the Clarion, prior to his being registrar?—A. He had been clerk of the office, and was transferred from that clerkship in the Clarion office to the registration board.

Q. And at no time did he say anything to you about his having procured duplicate keys?—A. No, sir; and his relations with me, I suppose, were of the most confidential kind, because I had recommended him, and I had reason to believe that he would confer with me above all other parties in reference to the management and conduct of the canvass, as well as his official duties.

Q. And you did frequently have these conferences with him?—A. Yes.

Q. And at no time did he ever make any intimation to you of such a thing?—A. Never.

Q. Did you ever hear of such a matter until you heard of his testimony delivered before this committee?—A. Never. I will state furthermore that I have conferred with quite a number of persons in connection with it who had reason——

By Mr. MCKEE:

Q. Did those conversations occur subsequently to the publication of this testimony?—A. Yes.

Mr. MCKEE. That is not evidence.

The WITNESS. Well, I supposed you wished me to tell what I knew about it.

By Mr. HOOKER:

Q. Did you ever hear anything of such a fraud by any one?—A. Never. I would add that, occupying the position I did in the committee, I would certainly have reprobated it had I heard it.

Q. Have you stated the entire purport of this communication of Mr. Lester as fully as you have knowledge of it?—A. Yes, sir; that is about the purport of it.

Q. Have you made any inquiry of inspectors and other managers of elections concerning the alleged procurement of duplicate keys by Lester since his statement to that effect has been given?—A. I have, sir; and their statements have been that they knew nothing of such keys,

that if they were procured by Mr. Lester they were not delivered to them, and that they have no knowledge of and had heard nothing about duplicate keys until they saw the statement which he made before the committee. I would say also that these gentlemen expressed a desire to be qualified and to give testimony on that subject under oath.

Q. Have you any knowledge as to whether the law was carried out requiring that each party should be represented in the apportionment of election managers at the various precincts?—A. Yes, sir; it was done, as far as my knowledge extends.

Q. That is to say, there were two democrats and one republican upon the board of election managers invariably. Was that the case in all boxes in the city of Jackson and in the county of Hinds?—A. It was.

Q. As far as you know, that was the case in other counties of the State as well as the county of Hinds?—A. As far as my knowledge extends, the law required it, and there was no complaint that its condition had been violated, and I assumed, as a matter of course, that it was done. As far as my knowledge extends, it certainly was done. Both parties were represented upon the board of managers by persons of intelligence and capacity and of respectability.

Q. Are you acquainted with the other gentlemen on the board of registration for Hinds County besides Mr. Lester?—A. Yes, sir; I may say that I know who they are.

Q. Who are they?—A. Mr. Parsons and Mr. Snead.

Q. What is Mr. Snead?—A. He is a republican.

Q. Is he a white or a colored man?—A. A colored man.

Q. Is he a man of intelligence and education?—A. I am given to understand that he is one of the best colored men in the county in education and ability.

Q. He is a lawyer by profession, is he not?—A. I have heard so.

Q. Is it true, as far as your knowledge extends, that ignorant and incapable negroes were appointed to conduct the elections in the various precincts in Hinds County on behalf of the republicans?—A. As far as my knowledge extends, they were men of intelligence and capacity. My knowledge does not extend all over the county. In the city of Jackson one of those persons on behalf of the republicans was J. Aaron Moore, formerly a republican member of the legislature from the county of Lauderdale and a member of the constitutional convention, a man of intelligence and capacity and a minister of the Baptist Church.

Q. What box did he preside over?—A. The North Ward box as it is called.

Q. That is at the engine-house?—A. Yes.

Q. Have you no knowledge (I do not know whether you have or not, for I have had no conversation with you on the subject) as to whether or not this judge of the elections at the North Ward box, Mr. Moore, was ever approached for the purpose of obtaining a certificate from him that there had been any unfairness whatever in the vote or the count of the vote at that box?—A. I have heard no intimation of the sort. I will mention, though, that I have heard that he has stated emphatically that the box was well guarded and that there was no opportunity for tampering with it.

Q. Either by duplicate keys or otherwise?—A. Either by duplicate keys or otherwise. I have heard that he made that statement, but he has not made it to me. I have simply heard it. As you asked what I had heard, I mention it.

Q. You participated also very largely, did you not, in the canvass of 1875 in Mississippi?—A. I did, sir.

Q. You made speeches at many points in the State?—A. Quite a number.

Q. All over the State?—A. Yes.

Q. North, south, east, and west?—A. Yes.

Q. And to large audiences?—A. Yes.

Q. To mixed audiences of white and colored people?—A. Yes.

Q. And did the same thing in the canvass of 1876?—A. I did.

Q. Will you briefly state what was the method of conducting these canvasses and what were the causes of the overthrow of the republican party in those elections in Mississippi?—A. The method of conducting the canvasses, as I have stated, was that the people were called together to listen to the discussion of the issues involved in the canvass. Arguments were addressed to their reason for the purpose of convincing them that the interests of the State and the people of both races could be promoted by the success of the democratic party. The democratic party pledged the colored people everywhere—I did; I made a special point of it, as one who had from the beginning advocated a recognition of the right of the colored people to the exercise of suffrage—they pledged the colored people, I say, that their rights would be protected in every particular, that there would be no discriminating legislation, and that the schools should be kept up, and that it would be to their interest to put in power the democratic party looking to the promotion of their own welfare.

Q. So far as the legislature has acted since the democracy was put in power in 1875, has it kept those pledges?—A. It has; and the reason upon which I base that statement is that at the close of the first session of the present legislature (which was elected in 1875) several colored republicans delivered addresses stating that the democratic party had in good faith kept all the pledges which they had made to the colored people, and that they had been just and fair and liberal toward their race, and that they had no complaint whatever to offer. I will also mention that at the close of the second session similar addresses were made by colored republicans, to the effect that the democrats had kept their pledges faithfully, that they had no complaints to make against their course, and that if they would persist in it harmony and good feeling would be perpetuated between the races. I remember that Mr. Carter, of Warren, a colored republican, and Mr. Young, another republican, spoke to that effect.

Q. Is Mr. Young a colored man?—A. He is. They delivered addresses of that sort, and there were other colored men who did not dissent from the statement of their associates.

Q. In the canvass of 1873 as well as in that of 1876, state, if you please, whether pledges were made from the same rostrum as yours by colored men addressing their own people; and, if so, do you remember the names of the men and the occasions when they made those addresses? Also, state what the character of those addresses was.—A. At Brandon I delivered an address to a very large audience in the canvass of 1875. That meeting was addressed by Jerry Blow, a colored man, who had been a republican previously. He urged the people of his race to vote the democratic ticket, that he had belief that the democrats would carry out in good faith their pledges to the colored people, and urged them to vote the democratic ticket.

Q. In that connection, please state about how many colored people were present at that meeting.—A. There were five hundred, I would say. In 1876 I addressed another meeting at Brandon, which was numerously attended by colored men; and after I had concluded speaking,

Mr. Jerry Blow was called on and spoke. He was followed by several others—colored citizens of the county—all advocating the election of the democratic candidate, and urging the men of their race to support the democratic ticket. These men were all very denunciatory in their speeches of the republican leaders and party, stating that they had been deceived by them, and that they were satisfied that the democratic party would carry out in good faith its pledges of protecting the colored men in their rights, and securing the peace and harmony of both races.

Q. At what other points where you spoke in those canvasses did colored men also speak? Can you remember now?—A. Yes, sir; there was a colored orator at Greenville, Jefferson County, a man of intelligence, who addressed a meeting in favor of the election of Mr. Tilden and the success of the democratic party. His name I cannot recollect.

Q. State now what was the character of the canvass of 1876, with reference to whether peace and quiet and order prevailed in the audiences that you addressed in the various portions of the State, or whether there were ever instances of violence and intimidation.—A. The meetings were held in the best spirit; kindness and good feeling predominated. There was no violence, no wrangling, nothing disagreeable of any character occurred at any meeting that I attended; and the meetings were, as I said, composed of men of both races, and, I supposed, of both parties.

Q. Is it not true that at many of these meetings there were other colored men present not of the democratic party, who were listening to what was being said?—A. That was my impression.

Q. State generally what is the feeling in Mississippi at the present time between the races under the democratic rule established by the legislature of 1875.—A. The feeling is of entire satisfaction.

Q. Amity and good feeling prevail between the great masses of the colored people and the white people?—A. Yes, sir.

Q. As a general thing, I will ask you to state (for those do not know the fact as well as you and I do) is it not true that the white people of the country are the owners of the land, and the colored people are the cultivators, either by renting the land for so much in kind in cotton, or by being employed annually or by being employed on wages?—A. Yes, sir; that is the relation which the two races occupy toward each other, industrially, in our State.

Q. You are a planter, I believe, as well as an editor?—A. Yes, sir.

Q. So far as your observation extends, between these owners of the soil and these cultivators of it, (whether they be renters or employed by wages or by contract of any description whatsoever,) the relationship at present existing is kindly and friendly between the races?—A. Altogether. There is nothing but kindness and good feeling existing between the races. There is no dissatisfaction. Entire confidence is expressed by the colored people in reference to the good faith of the whites, so far as my knowledge extends, and a sense of security in the protection and preservation of their civil and political rights.

Q. As elector on the democratic ticket you were invited to address, generally speaking, the large mass-meetings of the county at the various points?—A. I was.

Q. And you traversed the entire State in that capacity?—A. Yes.

Q. At any of those meetings, or at the elections which followed them, do you know of any instances of violence, or fraud, or force, or intimidation being practiced by the white people upon the colored people? If you do, state it.—A. I know of no instance whatever, as I said before.

The colored people were told that white people had toward them the very kindest feeling; that it was to the interest of both races that that sort of feeling should be cultivated, and that it should be reciprocated. The consequence is that there were no threats of violence and no effort at intimidation, but precisely the reverse. The colored people were told that the white people would protect them in the enjoyment of their rights, and that they desired to live upon terms of peace with them; that the two races would necessarily live there forever, and that a condition of strife and war would be detrimental to the interests, indeed destructive of the interests of both.

Q. If there are any other acts within your knowledge in reference to the subject-matter of the conduct of these elections, you may now go on and state them. I have no special question to ask you. I will first, however, ask you this: are you familiar with the rate of taxation which existed in the State of Mississippi from 1869, when the republican party came into power there, up to 1875, when a change was made and the democratic party came into power?—A. Somewhat familiar.

Q. How do they compare?—A. The taxes have been reduced more than one-half, and the expenditures have been reduced one-half. Those facts are shown by the various reports which have been issued from the auditor's office. You asked in the beginning of the examination, I think, as to the causes of the overthrow of the republican party, did you?

Q. I think I did. If there is anything further to make your answer complete you may complete it now.—A. In connection with that last question I will state that that was one of the causes of the overthrow of the republican party there—the high rate of taxation and extravagance of the republican administration. That was evidenced by the complaints made by leading republicans themselves. The evidence of that is found, for example, in the declarations made by the central republican club of the State at Jackson, Miss. If you will permit me, in that connection, I will cite the action of that club in support of what I have stated. That action was in the shape of resolutions which were passed, as I have stated, by the republican club in the city of Jackson, in October, 1874, immediately preceding the legislature of 1875, as follows:

The following preamble and resolutions were unanimously adopted by the Jackson Republican Club at a meeting held on Wednesday, the 16th instant:

"Whereas the burdens of taxation under which the people of Mississippi are now groaning are too grievous to be borne; and

"Whereas these burdens can safely be reduced without impairing the efficiency of the administration of affairs: Therefore,

"*Be it resolved*, That it is not only the duty but the privilege of the republican party to, so far as possible, remedy existing evils by taking such immediate action as will secure a reduction of expenditures and a proportionate reduction in the rate of taxation.

"*Resolved*, That we respectfully present to our legislature, which has been called upon to assemble to-morrow, the following suggestions, looking to the accomplishment of the desired end, and that we urge upon that body the vital importance of a careful consideration of each and every one of them:

"First. The sessions of the legislature should be biennial, and they should be brief.

"Second. We submit that ten circuit judges and ten chancellors are a sufficient number to perform the judicial service of the State.

"Third. The expenses for public printing should be reduced by at least seventy-five thousand dollars annually.

"Fourth. The registration-laws should be so modified as to prevent unnecessary expense.

"Fifth. Not one dollar should be appropriated for arming the militia.

"Sixth. The time of the legislature should not be frittered away in enacting laws to meet individual or special cases of small and temporary importance to the State at large.

"Seventh. The session of the legislature to begin on the 17th instant should be continued until the time for the regular session for 1875, with the double object of saving the expense

of mileage and of having all necessary legislation in such a state of advancement that it may be completed at an early day after the opening of the regular session.

"Eighth. The constitution contemplates biennial elections, and expense, direct and indirect, of the present system, whereby congressional elections are held in one year and State elections in the succeeding year, is enormous. We therefore suggest the necessity of taking immediate steps to cause the State elections to be held at the same time as the congressional.

"We submit that if the legislature will in good faith adopt the foregoing suggestions, and such other measures in the interest of economy and reform as may commend themselves to intelligent and patriotic citizens, they will but perform a simple and plain duty, the public will thereby be greatly benefited, and the welfare of Mississippi permanently assured."

The same club addressed the senate and house of representatives of the Mississippi legislature on the 2d of December, 1874, as follows:

JACKSON, *Wednesday, December* 2, 1874.

Jackson Republican Club met pursuant to previous notice; Elijah Robinson, president, in the chair.

The secretary being absent, E. A. Peyton was appointed secretary *pro tempore*.

Unfinished business being in order, on motion, H. W. Robinson was elected assistant secretary; J. L. Lake, jr., treasurer; and Adam Austin, sergeant-at-arms.

On motion, it was ordered that no money be paid out except by order of the executive committee or by order of the club.

Hon. A. Alderson being called upon, addressed the club in a few well-timed remarks, and introduced the following memorial and resolutions to the next State legislature, which were unanimously adopted:

"*To the honorable the senate and house of representatives of the State of Mississippi:*

"Whereas the debt of the State has grown so large, and is still increasing with such fearful rapidity, and the taxes have become so enormous that they threaten the gradual confiscation of property in the payment of these taxes; and whereas the members of the present legislature, before they were elected, promised reform and retrenchment, and a rigid economy in the administration of the government; and whereas the people are becoming restless and uneasy, and have just cause to be alarmed at the present condition of things—the large and rapidly-increasing debt of the State, the enormous expenses of the government, the burdensome taxations to meet these expenses, and the failure of the legislature to retrench and reform as promised, and to administer the government with rigid economy; and whereas the great excess of legislation, occasioned by the too frequent meetings of the legislature and the long protracted sessions, the repealing, amending, and modifying of the old laws, and enacting loosely-made new ones, have made many of the laws so obscure and uncertain that it is almost impossible to understand them: Therefore,

"*Resolved*, That the republican club of the city of Jackson appeals most earnestly to the justice, moderation, and wisdom of the members of the legislature to remember their promises of reform and retrenchment, made to the people, and adopt such measures as will prove to the burdened and oppressed tax-payers that they were honest and sincere in those promises, and that they intend to carry out the pledges of economy thus made.

"*Resolved*, That one of the reforms insisted upon by the people, and most earnestly demanded of the legislature, is the passage of a joint resolution proposing an amendment to the sixth section of the fourth article of the constitution of the State, to be submitted to the people for their ratification and approval at the next general election. The amendment proposed is as follows, to wit:

"'The political year shall begin on the first Monday of January, and the legislature shall meet *not more than once in every two years*, on the first Tuesday after the first Monday in January, at the seat of government, and shall not remain in session longer than sixty days: *Provided*, The governor, in case of pressing necessity and for special reasons given in writing, may convene the legislature in extra sessions, but such extra sessions shall not continue longer than thirty days.'

"*Resolved*, That the republican clubs in every county in the State be requested to join us in an appeal to legislators for reform, and that they request their representatives and senators to carry out the foregoing resolution, that the expenses of the government be lessened and taxes reduced.

"*Resolved*, That our senators and representatives of this county and district be requested to use all their influence to carry out the wishes above expressed.

"*Resolved*, That the Pilot and Vicksburgh Times be requested to publish the proceedings of this meeting, and that all other papers in the State favorable to reform be asked to copy the same, and do all they can to reduce the expenses of the government and lessen the burdensome taxation now so loudly complained of by the people."

Captain Lake addressed the club in a few remarks, heartily indorsing the resolutions.

Daniel Crawford addressed the club.

On motion, a committee of five was appointed on resolutions, to report at the next meeting of the club.

On motion, the club adjourned to meet on Wednesday, the 16th of this month.

E. ROBINSON,
President.

E. A. PEYTON,
Secretary pro tempore.

Q. Is the Mr. Robinson above named a colored man?—A. Yes.

Q. The legislature was to meet in January, 1875?—A. Yes; and these demands were made by the republican club at Jackson upon that legislature—the republican legislature; but they were not all complied with, and hence the indignation which was felt by the public generally, and the consequent overthrow of that party. I will also mention that there was a large convention of tax-payers held in January, 1875, at the time of the meeting of that republican legislature, in which the grievances of the people were set forth very fully and measures of reform were proposed.

Q. Were colored men as well as white men members of that convention?—A. Of the tax-payers' convention; yes. That convention adopted a petition and appeal to the legislature, as follows:

To the legislature of Mississippi:

The tax-payers of Mississippi, assembled by delegates in convention, respectfully show:

That, by reason of the general poverty of the people, and the greatly depressed values of all property, and especially of our great staple, the present rate of taxation is an intolerable burden, and much beyond their ability to pay.

To say nothing of the very large expenditures for common schools, the present rates of public expenditure greatly exceed the amounts deemed sufficient in former days of abounding wealth.

To-day the masses of our people are very poor, and they naturally feel, as they may well demand, that all public expenditures should be greatly reduced, and limited by the strictest rules of economy to the plain republican system made necessary by their impoverished condition.

It was hoped by many that a period of great prosperity would follow the re-organization of the State, and provision was accordingly made for a costly government; but that hope has given place to despair. Every day the people have grown poorer; lands have diminished in value, wages have grown less, and all industries have become more and more paralyzed. It is daily harder and harder for the people even to live; and many hearts are saddened to-day, burdened with dread lest the little home, only shelter for wife and children, shall be sold away by the tax-gatherer.

These terrible truths show that the present rate of exorbitant expenditures must cease, or the means of the people to pay will soon be utterly exhausted, and their government will be disorganized. A wise statesman will be careful to consider the wants of the people, and studious to devise and prompt to apply needful remedies, and this is what we respectfully ask from the representatives of the people. We are satisfied that public expenditures can be very largely reduced without impairing the efficiency of the public service.

It should not be forgotten that the southern people, in their poverty, have now to bear many burdens unknown here in former times. The public debt of the United States is enormous, and we all contribute, indirectly it may be, to pay the increased Federal expenditures. We may never see the tax-gatherer, but we pay the taxes; they make part of the price of the goods we buy. In addition to this, we have the large expense of our common-school system. These large items may doubtless be greatly diminished by a wise economy, and the people may bear them, thus limited, as necessary burdens; but the fact that, with strict economy, such burdens may continue to be great, is a strong reason for rigid economy of administration wherever it is possible.

It must be remembered that the people of Mississippi suffer not only from the enormous burdens of needless State expenditure, but also from gross waste and extravagance of boards of supervisors. Added to these are the heavy local burdens that fall upon the inhabitants of cities and towns and the unhappy people of the levee districts.

In September last Senator Sherman said to the people of Ohio:

"The first requisite of a party to administer the Government now is *economy*—the most difficult to practice, especially after a period of great expenditure. What we most need is a very large reduction in local taxes; and, still more, a very great limitation of the power of local taxation. Now innumerable local authorities—counties, towns, cities, &c.—have authority to levy taxes until this amounts, in many cases, to *confiscation*. * * * Upon this question of local taxation we ought to have no party, or soon incomes will be absorbed by taxes."

Apt words these, and wise, even when addressed to the people of rich and prosperous Ohio! With what added force do they apply to us, who suffer under greater "local burdens," with the additional weight of enormous State expenditures!

To show the extraordinary and rapid increase of taxation imposed on this impoverished people, we will cite these particulars, viz:

In 1869 the State levy was 10 cents on the $100 of assessed value of lands.

For the year 1871 it was *four* times as great. For 1872 it was *eight and a half times* as great. For the year 1873 *it was twelve and a half* times as great. For the year 1874 it was *fourteen times* as great as it was in 1869. The tax-levy of 1874 was the largest State tax ever levied in Mississippi, and to-day the people are poorer than ever before.

It is true that now, because of diminished property and depressed values, the percentage of taxation must be increased to the amount of revenue levied in former times; but what we complain of is that the aggregate amount of taxes levied on us in our poverty greatly exceeds the amount levied in prosperous days. The enormity of this great increase in the percentage will become more plain if we consider the fact that our present assessments very greatly exceed the market values of the property assessed.

Thus as the people become poorer are their tax burdens *increased.*

In many cases the increase in the *county* levies in the same period has been still greater.

But this is not all. A careful estimate shows that during those years of increasing and most extravagant tax-levies the public debt was increased on an average annually over $664,000, a sum of itself sufficient to defray the entire expenses of the government economically administered; that is, the State spent on an average this large sum each year over and above the amount collected on those monstrous tax-levies. What may be the excess for the year 1874 is not revealed. All that we know is that many of the very large appropriations for the year were some time since exhausted.

The like extraordinary results have followed the operations of the boards of supervisors, at least in many of the counties. Whether these facts prove a lack of economy in administration, or are to be regarded as sad proofs of the rapid exhaustion of the means of the people and their consequent inability to pay, they are painful to contemplate.

This excessive rate of expenditure would constrain even a prosperous people to cry aloud for retrenchment and reform. It is corrupting in effect and altogether evil in its results. But if none of these things existed we should be constrained by still other facts to make this appeal to your honorable body. The present year has been most disastrous to all engaged in agriculture, and consequently to all other pursuits. If all the crops raised in the State this year were sold at present market value, the proceeds of the sales thereof would not, as many estimate, pay the cost of production and the taxes. In many counties the result was still more disastrous, the crops being almost a total failure. It is a sad truth that in some parts of the State many of our people are beginning to suffer for want of food, and very many are restricted in their poverty to a very few of the necessaries of life. These afflictions fall heaviest at present on the very large class of our poor citizens, but all classes suffer more or less from this common calamity, and the year of their probation of want and suffering is but just begun.

Presented in these several views of the sad condition of the people of Mississippi, our present appeal amounts to this: Shall the few officials, the mere servants of the people, be permitted to fatten and grow richer, while the people grow poorer and starve? Shall these public servants be privileged to enjoy an extravagant waste of the money of the people to the destruction of the property of the State, or will the legislature interpose immediately, and by a vigorous system of wise reform enforce rigid economy of expenditure in all departments of the government—legislative, executive, and judicial—and in counties, cities, towns, and districts? Let all superfluities be abolished: let every supernumerary be discharged; let every dollar, as far as possible, be saved to the suffering people. For the present, and until the State has become rich and prosperous, let all salaries and public expenditures be graded, not according to the merits and capacities of officials, but be reduced and graded to the lowest possible scale compatible with the efficiency of most rigid economy of administering suited to the extreme poverty of the people.

Throughout the whole State the outcry against this oppression of excessive taxation and still greater waste of expenditure becomes louder and deeper every day, and it comes increasing in volume and significant emphasis of tone and expression from citizens of all classes and conditions. All fear the approaching ruin and all suffer from this common oppression, the difference being only in degree.

With regard to possibilities for retrenchment and reform, we quote and commend to the careful consideration of all the official opinion of Governor Ames as follows: "There are opportunities for curtailment in every branch of the government." (Message on finance, session 1874, p. 3.)

We ask the earnest attention of your honorable body to the following particulars in which by proper legislation very large sums may be saved:

The public printing, by the grossness of its excesses, amounts to public robbery. We submit that such is the practical result, whatever may be the motive on which the extraordinary system is tolerated. Let examples be cited in evidence:

For the five years next preceding the 1st of January, 1861, the average cost of printing for the State did not exceed $8,000 per annum.

For the five years commencing with the fiscal year 1870, the average cost of the printing for the State has exceeded $73,000 each year, being an average excess each year on the former of $65,000.

This enormous increase in the cost of public printing cannot be attributed to increased expense of performing the public work, nor to the large increase in the number of our citizens, for the like conditions exist in Mississippi and Georgia; and yet the recent report of the comptroller-general of Georgia shows that the average cost of the public printing in that State for the years 1872 and 1873 did not exceed $10,000. Mark the contrast according to the above average. The cost of the public printing for impoverished Mississippi for those two years was over eight times greater than the cost of the same work done in the same year for the State of Georgia.

The journals of the two houses of our legislature contain a vast amount of matter utterly worthless to the public, and their enormous bulk, with supplements added, might well cause the inquiry, why were they gotten up in that bulky form if not to swell the profits of the public printer? We cite for the contrast two examples, and one may verify the figures in our State library. In the year 1856 the journals of the two houses contained together 1,163 pages; in the year 1873 the journals contain together 6,393 pages; that is more than five times the number of pages contained in those two journals for the year 1856. Those journals contain in full every little report that a certain bill do pass, and thus they are swelled with a mass of useless matter. Doubtless the enormous difference in the cost for public printing in Mississippi and Georgia arises from the fact that our journals are thus bloated with useless matter, and also that official reports are printed and charged for more than once, and in part because of exorbitant rates allowed to our State printer.

The remedy for these gross abuses and waste of expenditure is plain. Let the journals be greatly reduced in bulk, so as to contain no matter not useful to the public in a legislative journal. Require the official reports to be so reduced in bulk as to contain only essential matters, and those to be stated in briefest intelligible terms. Diminish both numbers and quantities. Let no documents be printed and paid for more than once, and reduce to moderate rates the prices for public printing. Apply like rules of economy and justice to the people to the public printing of counties, cities, and towns.

In this connection it is proper to call special attention to the district printing-bill, which was publicly advocated upon the plea—most extraordinary in a free government—that it is both just and proper to tax the general public to sustain party newspapers. In case of public sales, and in many others, the chief value of a newspaper publication consists in the fact that it gives notice to the people of the particular county in which the sale, &c., is to be made. It seems a mere mockery, under a pretense of fairness, to advertise the property of the citizen for sale under execution or for taxes in a distant part of the judicial district, and at a point remote from the county in which the sale is to be made. The same is true of many other notices required to be published. In very many cases of publication required to be made under the law the seeming notice can be of no possible use, and yet the poor citizen is taxed with the costs of such useless publication.

The number of circuit judges and chancellors is far greater than the needs of the public service require.

Before the present constitution went into effect there were but ten circuit judges in the State, who not only discharged all the duties imposed on the thirteen circuit judges now provided for, but also performed nearly all the duties now imposed on twenty chancellors: and there was no complaint that their number was insufficient. By the present system (and we believe in that respect it is a good one) most of the business formerly done by the probate judges is now transacted by the chancery clerks. The chancellors are almost exclusively occupied in what is strictly chancery or equity business, which, as before stated, was formerly within the jurisdiction of the circuit judges. The litigation in the circuit and chancery courts is now far less in amount and value than it was when we had only ten circuit judges. The constitutional amendment by which the jurisdiction of justices of the peace has been made to include all civil cases not exceeding in amount $150, and the poverty of our people, by which business transactions are very much limited in value, have taken away at least one-third of the civil business of the circuit chancery courts.

The expenses of the legislative department have grown recently into enormous proportions. The sessions are now annual, and have been greatly prolonged, and there has been a great, and, as we respectfully insist, an unnecessary increase in the number of its employés, clerks, door-keepers, sergeants-at-arms, porters, and pages. Formerly, all the clerical force needed was furnished to the house of representatives at $1,500, and to the senate at $1,200, for a session.

We do not wish to be understood as stating that the services of members of your honorable body are not worth all that is now charged, viz, $500 per annum. There is no price within our means to pay which could possibly be too high for the inestimable blessing of an intelligent, working, and earnest body of men, who consecrate their lives and devote their talents to the study of political economy and those arts which make a people great, prosperous, and happy, and who bring to the great work of enacting laws for the State the rich results of a

ripe and varied experience in court affairs. But in our present impoverished condition we respectfully, but earnestly, represent that retrenchment in all parts of the administration is absolutely necessary, and we cannot doubt that the members of your body will initiate this reform by fixing their salaries at the sum paid before the war, which amounted generally to about $250 for two years, there being but one session in that time. This sum would be greater than is realized on the average by citizens in private life, and greater also than the average paid members of the legislature by the other States in the Union.

The governor's salary might be, without detriment to the public service, fixed at $4,000 per annum, which is far larger than is paid by other States in the Union having no more wealth than Mississippi.

The lieutenant-governor's salary might also be fixed at the price usually paid to the presiding officer of the senate, viz. double the salary of a senator.

The salaries of the treasurer, secretary of state, auditor, and attorney-general we ask may be fixed as they were under the code of 1857; and the clerks and assistants allowed these officers reduced to the number and compensation with the salaries fixed by that code; and the salary and expenditures of the State superintendent of education should be reduced to a very moderate sum. His office should be a room in the capitol.

And we respectfully ask that the salaries of all other State and district officers should be fixed at the rate paid before the war. The salaries then allowed were sufficient to procure the services of able and competent men, and we feel sure they will be sufficient now. The truth is that all private pursuits are so depressed, and all official positions so highly remunerative, that the difference begets a wide-spread greed for office, and encourages that bane of all free governments—the growth of a large class whose sole interests in the State consist in their reception of the emoluments of official position.

The cost of assessing and collecting the revenue of the State is out of all proportion to the necessary labor and responsibility required in the discharge of those duties. The gain to these officers is enormous. Under the code of 1857 the maximum which an assessor could receive in any one year was $500, and the commissions of the collector were graduated according to the amount collected, so that it rarely happened that a collector received as much as $1,000 per annum, and he seldom, if ever, received as much as $1,500 in one year. We respectfully ask that the compensation paid to these officers should be so regulated as in no case to exceed the sum above mentioned.

The compensation of the county treasurer should be fixed so as not to exceed in any instance the sum of $500 per annum. His duties are light, and his responsibilities will be small if the county levies are restrained as hereinafter asked for.

The fees of the chancery and circuit clerk and sheriff are too high, and, we are sorry to add, in many instances are very much increased by exorbitant and illegal charges. We ask that this subject be carefully looked into by the legislature, and the rates so fixed that while a fair and just compensation is allowed for these services the burdens of the suitor shall not be so great as they now are; and we suggest that the State, like the United States, will fix a point in compensation of county officers beyond which the fees shall go into the State treasury.

In many counties this point might be fixed at $600, in others at $1,000 or $1,200, but in no instance should it be fixed beyond $2,000 for clerks and $2,500 for sheriff, including their gains as tax-collectors.

The jail-fees are a great burden on the people. They are now too high, and yet in many instances extra compensation is allowed by the board of supervisors. They should be fixed at the cost of a plain and healthy support of the prisoners. Imprisonment in the county jail as a punishment should be made less frequent. Unfortunately, many who are guilty of petty misdemeanors feel neither the burden nor the disgrace of imprisonment in the county jail. We leave it to the wisdom of the legislature to devise some other mode of punishment which, without inflicting corporal pain or bringing forward any badge of slavery, may yet prove more efficacious in reforming offenders and be less expensive to the tax-payers.

The law also should require the convicts sentenced to the penitentiary to be immediately removed to the State prison. They are now, in many instances, left in the county jails for many months, to the great cost of the several counties. The jail-fees for a day should not exceed thirty cents.

The salaries of inspectors of the penitentiary ought to be saved to the State by imposing the very light duties of these offices on other State officers, or on competent citizens, without salaries.

The trustees of the insane, deaf and dumb, and blind asylums should be prohibited from using any of the funds appropriated to these institutions in the way of salaries or fees for themselves.

The appropriations to the State universities are beyond the means of the State to pay, and beyond the necessities of these institutions.

The salaries and mileage paid to the trustees of these institutions ought to be prohibited. The duties of these officers are extremely light and highly honorable; like services of all other institutions of learning in the State, and throughout the Union, are rendered by the best citizens without compensation.

Again, the expenditure of the State's money, poor as the people are, and laboring under the most crushing taxation, for the board and support of certain students, is wrong. The State is under no obligation to furnish these favored few with what is denied to the children of the State at large. The State supposes she discharges her duty to the great mass of her children when she furnishes schools free of tuition for four months in the year. These schools are for the people at large; the colleges and universities are for the more fortunate few. Not more than one in a thousand, even in the most favored countries, ever go to college. It is wrong that nine hundred and ninety-nine should be burdened with taxation so crushing that they are deprived, in many instances, of the means of even going to a common school, in order that one fortunate person shall have extraordinary benefits denied to the others. We therefore ask that the scholarships in the two universities be abolished. These remarks apply also to the normal schools.

While we cordially indorse the wisdom of that policy which extends to the children of the State the advantages of a free common-school education, we respectfully submit that our present legislation in that respect is radically defective in theory, and in its practical workings is a great wrong, rather than of benefit to her citizens. The present rate of taxation for purposes of education, and the appropriations made for that purpose, amount to the enormous sum of $675,000 annually, greatly more than is necessary for carrying on the State government. We suggest that the mistake in this matter has been this: The attempt has been made on an impoverished State, with all its industrial pursuits in a deranged and constantly changing condition, and all of its property values greatly depreciated, to suddenly inaugurate a complete system of common schools, fully adequate to the wants of the whole people of the State, and to extend this even to a collegiate education. While this would be well enough, perhaps, in a great, prosperous, and wealthy commonwealth, yet the attempt in our State in its present condition has been productive of such an enormous taxation as to bring ruin to the doors of the parent in the attempt to educate the child, and to produce in the public mind a growing and annually increasing hostility to the policy of free education itself. We therefore respectfully suggest a thorough change of the law in this respect: that the present tax for educational purposes be greatly reduced; that free education be restricted simply to elementary grammar-schools; that the pay of county superintendents be reduced as herein recommended, and that the effort be directed to the gradual and economical building up of a common-school system which shall not by its enormous exactions excite the hostility of the citizen, but will rather attract to itself his support and affection.

The commissioner of immigration is an unnecessary office. His duties are nothing; his services of no value. We suggest that his salary might be abolished, or be made merely nominal, and all appropriations subject to his control be repealed.

The salaries of county superintendents of education might be saved by uniting that office, having such light duties, with that of sheriff, with an extra compensation of $50 per annum, except when the services of a competent citizen can be got for that sum.

The salaries of teachers in common-schools are far greater than is necessary to secure the services of the persons employed. For second-class schools, $25 per month would be ample, and for first-class, $50.

On this subject we suggest that a constitutional amendment is necessary, in order to give to the present common-schools the benefits of fines, forfeitures, and licenses now required to be funded.

The sessions of the legislature should be biennial. It is within the power of the legislature to fix by law that it should meet only once in two years. This is the plain meaning of section 6, article 2, of the constitution. We ask, however, that biennial sessions be not left to the discretion of the legislature, but that the rule be adopted by constitutional amendment.

The constitution should also be amended so as to prohibit all special legislation. A great portion of the time of the legislature is now spent in making that kind of legislation, when the same end would be attainable by general laws.

One of the evils of the times is excessive legislation. Statutes are passed and then modified or repealed, in whole or in part, without due deliberation, and the result is that the statute laws of the State are becoming more and more intricate and confused at every succeeding session of the legislature. The laws should be plain and simple, so that the citizen may, without danger or mistake, conform his action to them.

There are many other abuses in the administration besides those we have referred to. We leave these to the wisdom and patriotism of the legislature to correct.

But probably the most flagrant evil of which the tax-payers complain, and the greatest outrages perpetrated on their rights, arise from the action of the boards of supervisors.

This court is really the most important of any in the State, and should be composed of the very best men in the several counties. As a general rule, we are sorry to say, the members of this board are wholly unfit to discharge their duties, and are without respectability or accountability. This, however, is not the fault of the legislature of the State, except in so far as it encourages such men to seek for that position. The county levies in a large majority of the counties are extravagant and oppressive beyond all endurance. The contracts for public work are made without economy or care, and with a reckless indifference to the

interests of the public. These boards, in some instances, employ their own members to do the work not authorized by law, merely for the purpose of making them extravagant allowances. In many instances these members are wholly ignorant, and are completely under the control of the clerks and sheriffs of these counties, to whom they make extravagant allowances. This is a great evil, and we suggest that remedy which alone seems adequate. Legislation should be immediately enacted, fixing the maximum rate of taxation at 50 per cent. on the State, beyond which they shall not go in any instance.

These boards should also be prohibited from making any contracts, or allowances, or appropriations, except when there is money in the treasury to pay them. And every such order or warrant so made and ordered, when there is not money in the treasury sufficient to pay it, should be declared utterly null and void, and all persons concurring in making or issuing them be declared guilty of a misdemeanor in office and punishable for such, as provided by law.

There is another fruitful source of peculation and wrong in the power assumed by the board to allow for stationery, fuel, &c., to the county officers. Under this head large and unnecessary sums are allowed for ink, paper, envelopes, sealing-wax, gold pens, pencils, and printed blanks. The actual cost of these things is very little, and the actual wants of the officers very small as compared with the amounts furnished. It is the habit of these officers to furnish their friends and favorites with stationery at the public's expense. The remedy for this is to return to the old rule, by which each officer was required to furnish his own stationery, wood, lights, &c., at his expense, except alone where bound volumes of record books were required.

There remains another remedy, to which we earnestly, but respectfully, call the attention of the legislature. It is confidently believed that either of the following would tend greatly to the character and responsibility of the board of supervisors: To repeal all laws allowing the members thereof any compensation for their services The services required of a competent and faithful board would not exceed ten days annually, and the work would be done within that time, if there were no inducements in the shape of a per diem to prolong its sessions. The services would not be more burdensome than the liability to work on the public roads and streets, and the members of the board might be exempted from the latter duty as well as from jury service.

It is believed that if no compensation were allowed, no citizen would seek the office, but that the people could find, without difficulty, a sufficient number of the very best men to discharge the highly honorable and responsible duties of members of the board of supervisors. But if this be deemed wrong, then we suggest that the compensation of the members of the board be reduced to $25 per annum, and that each member be required to give bond and security in the penalty of $2,000, at least, by which he shall be bound to a faithful performance of the duties of his office, and in which he shall be liable for all illegal allowances for which he may have voted. And it shall be provided that in every instance where an allowance or appropriation of money is made the names of the members voting for and against should be recorded, and that such names voting for such appropriation be embraced in every warrant issued on such appropriation. And in case the alternative of a salary is adopted, then it should be provided that no warrant for such salary should be issued in any case, except where there is money in the treasury sufficient to pay it after first paying all prior warrants ordered by the board.

The necessities of the people demand further time within which to pay their taxes for the year 1874. A delay of sixty or ninety days would afford great and needful relief; and if then the lands of delinquents have to be sold, the period of redemption should be two years and the damages 25 per cent. for each year.

We feel constrained to call your attention to the many thousand acres of land now held by the State under sales for taxes in arrears and unpaid. Practically, these lands are a burden to the State and useless for all revenue purposes. Many of them were sold during the last war and some in 1848. If the titles could be depended upon at all, it would be wise to husband the resources thus provided and await the developments of the future; but the tax-titles, we may fairly assume, are all worthless. The great object to be secured is to make these lands available for purposes of revenue, and we suggest that the owners, or parties interested therein, be allowed to redeem them on payment of the State tax for 1874, and, if not redeemed by the 1st of July next, that they may be sold to any one upon the same terms. Nor would we restrict any one as to the right to purchase, and would allow any man to buy any quantity he may desire. This policy would defeat the purpose of those who suffer their lands to be held by the State because of the invalidity of her tax-titles.

CONCLUSION.

In conclusion, we beg to assure your honorable bodies that in thus exercising the sacred right of petition we have not intended to cast any reflection upon this or former legislatures, nor have we been influenced by any motive of gaining a party advantage. The members of the convention which presents this petition belong to all parties. We regard the great interests of the State and her people, so much impoverished by the abuses we complain of, as too high and sacred to be made the subject of party contests.

Mississippi has a soil unequaled in fertility and in the variety of its products. Our climate is genial and healthy. Every element of high prosperity and of material and moral advancement exists. But, notwithstanding all this, every business is depressed, the people discontented and paralyzed. We have the benumbing influence of despair and threatened ruin in lieu of the healthy and vigorous activity and energy of hopeful progress. And there yet remains the saddest truth of all. There is distrust and a want of mutual confidence between the different classes of our population, and a deep and wide gulf separating the rulers and the ruled. The tax-payers do not desire this, and they now make this respectful petition and appeal to the legislature in the hope that that body may receive it in the spirit in which it is made, and that such action may result as will speedily put Mississippi on the high road to prosperity which shall bless all classes and conditions and extend to every section of the State.

This petition was not acted upon by the legislature. There was no step taken by it to remove the evils which this convention of both parties had spoken of, and that was another cause of the overthrow of the republican party—the failure of the legislature to remove the evils which had been pointed out to it by this prominent republican club and by the meeting of the tax-payers of the State. I will also mention in the same connection that Mr. Attorney-General Morris, formerly the republican attorney-general of the State, addressed a letter to the same club, in which he arraigned the republican administration for the excessive taxation to which I have referred, and used language as follows:

The evils which have for some time past afflicted all classes of our people are attributable in a large degree to the desertion by high republican officials of the principles of the paper, to willful and flagrant violation of the constitution which they are sworn to support. That is well known to every intelligent man in the State, and will be widely and universally discussed, opposed, and punished in the next election.

I have read that extract from a letter in the handwriting of the Hon. J. R. Morris, dated September 8, 1874.

In reply to the inquiry which you made concerning the canvass in the county of Hinds in 1875, I will state that Judge Alcorn, who occupies a prominent position there as an office-holder under the present republican administration, published a letter in which he stated that citizens of both parties were permitted to come forward and register and to exercise their privileges without intimidation or fear of violence of any kind. The letter is as follows:

UTICA, MISS., *September* 16, 1875.

TO THE EDITOR OF THE DAILY TIMES:

We closed our work here yesterday evening, and I am pleased to note that nothing was said or done to wound the feelings or disturb the equanimity of any one. We have registered and renewed at this place the papers of three hundred and thirty-six electors, out of which number one hundred and eighty-six are colored. Persons of both political persuasions registered without let or hinderance. The citizens of Utica have treated us kindly, for which we desire to publicly thank them. They are well skilled in the code of hospitality, and our stay in their midst has been pleasant and agreeable.

We are now off for Cayuga, where it is said the registered colored vote somewhat preponderates that of the white.

Hastily, yours,

ROBT. J. ALCORN.

Q. Has not Jackson been a military post where soldiers have been stationed by the Government since the war?—A. It has.

Q. There have been troops there all the time?—A. Yes.

Q. During the canvass of 1876 were there troops stationed at any of the polling-places of the county of Hinds; and if so, where?—A. There were at various points—at Jackson and at Tinnin. Those I have knowledge of.

Q. Are you aware whether they were stationed at Edwards Depot or not?—A. I so understood. I think they have been stationed at Jackson all the time within sight of the polling place, and were also stationed at Tinnin monument.

Q. How many voting-places are there in the city of Jackson?—A. Three, sir.

Q. What are called the North ward, the South ward, and the West ward?—A. Yes, sir.

Q. The ballots at those places have usually been republican, have they not, until this last election?—A. Yes; they have been in the North ward and in the West ward. The South ward has been democratic.

Q. How was it in this last election?—A. My impression is that they were democratic.

Q. All of them?—A. All of them. They were all democratic. That is my impression, though I cannot be right sure of that.

Q. What was the majority for the democratic party in the city of Jackson in this last election of 1876?—A. I think it was about 150.

By Mr. McKEE:

Q. You state that amity and good feeling prevailed between the two races in the canvasses of 1875 and 1876?—A. Yes, sir.

Q. Then tell us the reason why in the election of 1875 your office was stored full of arms.—A. Because there was apprehension on the day of the election.

Q. Were there not other arms in Robinson's store in the hands of the democracy?—A. Not that I know of.

Q. Have you not heard of it?—A. No.

Q. Have you never heard that there were arms in Robinson's store?—A. Never.

Q. Did you have all the arms that were in the city?—A. I do not know.

Q. Did you not understand that there were other lots of arms?—A. No.

Q. How many stands of arms did you have in the Clarion office?—A. About fifty. There were apprehensions of violence on the day of the election, but there was no violence of any sort, and the consequence is the arms were not used.

Q. Did not the democrats generally arm themselves pretty heavily in 1875 and 1876, by carrying guns and pistols?—A. Not that I know of. I have no knowledge of the fact. I have no knowledge of the use of any arms, or of the intended use of any, except those to which you refer, that were deposited in the Clarion office.

Q. For fear of riot?—A. Yes.

Q. You have stated a great deal on information and belief. Now, state on your information and belief, in the same way, whether the white democrats did not generally pretty heavily arm themselves in 1875 and 1876, and did they not bring a great many arms into the State?—A. I have no information on the subject.

Q. Or belief?—A. I have not, sir.

Q. You have no belief on the subject?—A. No.

Q. Then you do not believe that they did arm more than ordinarily in 1875 and 1876?—A. No; I do not. My belief and information are that where it was deemed necessary to have recourse to arms, if at all, they used their private arms, such as citizens are generally allowed to possess under the constitution.

Q. You never heard of the formation of military companies about that time?—A. No.

Q. You never heard of Captain Montgomery's company?—A. I heard of it after the election, I think.

Q. Not before?—A. Not before, sir.

Q. You never heard of a good many armed men in Raymond at one time?—A. I did not.

Q. Great congregations of them?—A. No.

Q. And never heard of any armament in the county generally?—A. No.

Q. Or armed organizations?—A. No, sir.

Q. And did not believe that there were any?—A. I never did, except on one occasion; that was the occasion of the Clinton riot.

Q. But after that, you did not hear of any?—A. No.

Q. And do not believe there were any such organizations?—A. I do not.

Q. Were there a good many riots, and was there a great deal of killing of people in 1875, or not?—A. Well, there were several riots—not many, as far as my knowledge extends. There was a riot at Clinton; a riot on the occasion of Governor Alcorn's delivering an address at Coahoma County, in which he arraigned the republican leaders there, and when he was threatened with violence, and when the citizens armed themselves for the purpose of protecting the peace.

Q. You did hear of that arming, did you?—A. Yes; I did.

Q. Did you hear of any arming in Issaquena County?—A. I did not.

Q. Or any riot there?—A. I did not.

Q. You are an editor?—A Yes.

Q. You read the newspapers?—A. Yes.

Q. You publish accounts?—A. Yes.

Q. You never published any account of that?—A. Well, I say I don't remember. It is possible, or it is perhaps very likely, I did. There were occasional disturbances, but as to this I don't remember.

Q. You never heard of any riots in the eastern part of the State, or published accounts of them?—A. Yes; I have heard of a disturbance on the day of election at Columbus.

Q. Before that?—A. The first that I referred to was in Coahoma.

Q. Those are all that you remember of now?—A. Wait until I tax my memory, to see if I remember any others. [After a pause.] I do not remember of any others.

Q. You say the relations are nothing but kindness and confidence between the two races?—A. Yes, sir.

Q. Has that always been so?—A. It has not. It was not so during the years immediately succeeding the war, and during republican administration—not so much so.

Q. When you speak of this you are speaking of Rankin and Hinds Counties, I suppose? You are a planter in Rankin County, are you not?—A. Yes.

Q. This confidence, then, between the two races, came in after the democratic party came into power?—A. Well, that strengthened it. It commenced before that; but when the democratic party came into power it was much strengthened.

Q. These relations between the two races in these two counties, then, came in after the Clinton riot, when a good many colored people were killed, and some whites?—A. Well, it strengthened after that time. It had commenced before, because that was a riot which sprang up on an occasion in the political excitement that prevailed. I will state that it commenced during the canvass, and was confirmed after the action of the legislature, for there was some doubt felt by the colored people as to the good faith of the democrats in the speeches which they had made.

Q. You spoke of republican members of the legislature at both ses-

sions saying that the democracy had been friends of the colored people. At the close of the session?—A. Yes.

Q. And you gave the names of Carter and Young as the two?—A. Yes.

Q. Do you not know that both those men were not elected as republicans?—A. I do not. On the contrary my information is that they were.

Q. Your information is that Carter was elected by republicans in Warren County, is it?—A. That he was elected as a republican. I do not know what party elected him. He avowed himself as a republican in the speeches which he made on the occasion I refer to.

Q. Do you not know that he was not the republican candidate in Warren County?—A. I do not know it.

Q. Do you not know that Young was not the republican candidate in Washington County?—A. I do not know it. I understand that he was. I only know that they are both members of the republican party.

Q. You do know that, do you?—A. I know that because they so stated.

Q. And you do not know that they are bolters?—A. I remember, in reference to Carter, that he was in the employment of the republican administration of Mr. Shaughnessy, who was collector of internal revenue under the administration of General Grant; that he had been nominated by the republican party at a previous session, or at a previous legislature, to my certain knowledge, and I have never had any information that he abandoned the party. My information is, indeed, to the contrary.

Q. Had you not information that Carter was a bolting republican in Warren County; and did you not support him as such?—A. I did not, sir. I wish you to understand that I do not say that he was nominated by his party, or that he was not. I have no information on that subject. I simply state that he has claimed to have been a consistent republican, and I have some knowledge of his past career as having acted with the republican party.

Q. I am not speaking of long ago, but recently—since he made these speeches.—A. I have been informed within the last year, I think, that he has been employed by Mr. Shaughnessy in some capacity in his office of collector of internal revenue or United States marshal, or something of that sort. I never heard disputed the fact that he is a republican.

Q. You say you never heard any proposition to intimidate or coerce the negroes?—A. Never.

Q. You never read any such propositions in a democratic newspaper of your State?—A. I have not.

Q. You state that, in 1875 and 1876, arguments were made to the reason of the colored people; that you appealed to them as citizens and to their interests, in 1875 and 1876?—A. Yes.

Q. Had not the democratic party been doing that for years before that time?—A. Not so much so. They had not really taken pains to instruct them on political questions, I suppose, previous to that time.

Q. They had made canvasses?—A. Yes.

Q. And were straining for power?—A. Yes; but had not addressed themselves so directly to the colored people.

Q. And it had candidates out?—A. Yes, sir; but they did not try hard to obtain the votes of the colored people.

Q. And all the candidates struggled hard to be elected on the dem-

ocratic ticket every time?—A. Of course; but they had not made such efforts to obtain the support of the colored people.

Q. Referring to the arguments that have always been addressed to the colored people, you say you sought to bring them into the ranks by kindness and persuasion only. I read from one of your editorials in the Clarion, of date October 13, 1875, as follows:

> Appeal after appeal has been made in vain to the colored people. No more appeals will be made to them. They will be welcome, thrice welcome, in the grand army that is going to redeem the State, but they must come of their own accord. If they think there is bad blood between them and the white people, then it's of their own making. The white people have tried time and time again to be upon friendly terms with them. If they think there is enmity between us they can easily remove it by repudiating the radical leaders whom they have followed, and who, day after day and week after week, sat in the legislative halls in the spring of 1875, sending forth insult upon insult and outrage upon outrage against the white people and the tax-payers.

Why was it that you say no more appeals will be made to them, when you now say that appeals have been made to them for years, and then state that they must come of their own accord?—A. The meaning of that is that they must come of their own accord, as men who have the right to do as they thought proper. That editorial I stand by, every word of it.

Q. And no more appeals were made to them?—A. Let me see the article. [Looking at it.] I meant to say that they would be welcome to the grand army, as I called the democratic party, that was destined to redeem the State, that they must come of their own accord, as free, intelligent, and independent citizens; that there was no bad blood between them and the whites; but that if there was it was of their making, and not on the part of the whites; that it was not intentional on the part of the whites. I meant to say that the white people had tried time and again to be upon friendly terms with them.

Q. Explain what you mean by saying that no more appeals should be made to them.—A. I am coming to that.

Q. But that was the first sentence.—A. And I meant to say that if there was enmity between us they could remove it by repudiating the radical leaders who had been attempting to cultivate a spirit of strife and enmity between the races; that by ceasing to follow advice and counsel of that sort, they would remove these causes of ill-feeling which existed between them.

Q. You have not yet explained why you said that there would be no more appeals made to them.—A. This clipping is from an issue of the paper upon the eve of the election in 1875. The reason of the colored people had been addressed. They had been told that the white people who composed the democratic party would act in good faith toward them; that it would protect their rights as it would protect the rights of the whites; that there would be no discriminating legislation against them. This appeal had been made repeatedly and solidly, and the meaning of the article was that if that appeal was not considered, it would be unnecessary to address any other appeals of that sort to them, that it would be considered that they had joined their idols.

Q. Yet that was three weeks before the election?—A. That was two weeks before the election. The reference was to the demonstration of their intention at the election. This appeal to the reason of the colored people was heeded in the election of 1875, and the consequence is that they were continued to be addressed in the canvass that followed. That was upon the eve of the election, and the appeals were answered by the fact that the democracy by the aid of the colored vote carried the State by 33,000 majority. The consequence was that the appeals were answered.

Q. Does the democracy generally quit the canvass twenty days before the election; is that their habit?—A. Most certainly not; but the reference was made to the intention of opposition which the colored people showed that they would take at the election, for there would be no other evidence of it sooner than that. My reference, of course, was to the time at which the election would be held.

Q. And up to that time the appeals had been made in vain; no more appeals would be made to them?—A. The appeals had been made in vain at previous elections, because the republicans had carried the State before, and this misrule which had been complained of had been perpetuated up to that time.

Q. Have you always advocated only persuasive means with the colored people?—A. That has been my intention—to induce them to vote with the democratic party, do you mean?

Mr. McKee. Yes.

The Witness. Yes; certainly.

Q. In relation to Mr. Lester, let me ask what is his standing in the community?—A. It has been good.

Washington, *February* 21, 1877.

Ethelbert Barksdale; examination continued.

By Mr. McKee, (representing Mr. Teller:)

Question. What are Mr. Lester's family antecedents and connections?—Answer. They are good; very respectable.

Q. As good as any in the country?—A. None more so in the country.

Q. You state that each party was represented at the polls by men of intelligence?—A. As far as my knowledge extends.

Q. Do you not know that there were no white republicans appointed in all the counties as judges of election?—A. I do not.

Q. Do you know of any that were?—A. I do not.

Q. Within your personal knowledge none were appointed?—A. None were, within my knowledge. There were some inspectors of election republicans.

Q. I am speaking of the county precincts.—A. Yes. I will mention in that connection that I have no personal knowledge of the inspectors outside of Jackson. Those at Jackson were colored—J. Aaron Moore and Charles Tapley.

Q. Who had control of the appointment of those judges of election?—A. The board of registration.

Q. A majority of which were democrats?—A. Yes.

Q. They had control of it?—A. Yes; the board had—consisting of two democrats and one republican.

Q. Do you know that these colored men that were appointed, to the exclusion of white republicans, were men of intelligence—Charles Tapley, for instance?—A. Yes; I have understood that he was a very intelligent colored man.

Q. Do you know whether he can read or write?—A. I do not. I have understood, though, that he can read and write. I made some inquiry upon that subject, and was informed that he could; and I know that J. Aaron Moore can—that he was a republican member of the legislature at one time, a member of the State constitutional convention, and a minister of the Baptist Church.

Q. Do you know of any complaints made by the republicans that the

democratic executive committee refused to have a white republican in the county as judge of election?—A. I do not.

Q. You never heard of any?—A. Never.

Q. You never heard that the county democratic executive committee refused to allow any white republican to be judge of election?—A. I did not.

Q. As a matter of fact, none were appointed to your knowledge?—A. To my knowledge, none; they were all colored men.

Q. You spoke of the North box election and what people said about it. Did you never hear that it was complained that it was tampered with?—A. I did not.

Q. You say you never heard that complaint?—A. I never did.

Q. Did you not hear that the election box was put in Rohrbacher's room?—A. I did not, sir.

Q. What had the democracy done prior to 1875 to encourage the colored men to join them?—A. They had made no special efforts They had addressed public meetings which were attended by colored men, and assured them of their purpose to give them the same protection which the whites themselves enjoyed; but the same strenuous efforts were not made in 1874 as in 1875 and 1876.

Q. Had not the effort of the democracy of Mississippi been against the rights and privileges of colored people there up to the time that they ceased making a legislative record?—A. It had not.

Q. Had not the democratic newspapers been violent in their opposition to colored men as officers and legislators and voters?—A. Not to my knowledge.

Q. You never read any such articles that you remember in the newspapers?—A. I do not remember. In the number of exchanges that I take I may have read articles of that description, but I cannot recall any at this time.

Q. Is it not a matter of record that every democrat voted against the civil rights bill?—A. I don't recollect what the record is. A majority of the democratic party, though, I presume, voted against it. I speak without remembering the record.

Q. Is it not a matter of record that most of these men who are now democrats, voted in favor of the laws of 1865–'66, which are now held to be wrong and oppressive on the colored people?—A. There was no democratic party in existence in Mississippi at that time. Some of them are democrats, and some are republicans.

Q. Who are republicans?—A. Mr. J. L. Morphus; Judge Gowan, of Simpson County, was a republican until the last year or two, and he voted for some of them, and there are others whose names I don't recollect. I would mention, also, in answer to your inquiry, that Governor Alcorn was a member of that legislature, and although he did not support, I do not know that he voted for those measures, but he was elected to the United States Senate by the men that did vote for them.

Q. Do you know that Governor Alcorn did not vote?—A. I do not know that he did not.

Q. Do you know that Mr. Morphus did not?—A. I know that he did for one.

Q. Which one?—A. For the vagrant act.

Q. Were there others?—A. I do not know of any others. I know that he voted for some, because I examined his record as to it.

Q. Did not the members who now compose the democratic party in Mississippi, vote against the amendments to the Constitution—the fourteenth and fifteenth amendments?—A. And republicans, too.

Q. What republicans?—A. Judge Simmerall. I remember that he made a written report in the legislature against the acceptance of the fourteenth amendment.

Q. Was Judge Simmerall a republican at that time?—A. He was not a democrat, and never has been.

Q. Is he a republican now?—A. I have presumed that he was, because he was appointed to his present position by a republican governor.

Q. Did he support Hayes in this last election?—A. I don't know. I have no idea.

Q. Do you not know that he is called a Tilden man?—A. I do not. I never heard him express his opinion in reference to the election. At the times to which you refer, parties were not divided in Mississippi.

Q How did the democrats in the State legislature of Mississippi vote on the school bill in 1870?—A. I do not remember.

Q. Do you not know that they voted against the bill?—A. I do not remember the bill nor its provisions. They may have been opposed to some of the provisions of the bill, though I do not know. I don't remember.

Q. You stated that troops were stationed at Jackson, Tinnin, and Edwards' during the election?—A. Yes.

Q. You do not mean that they were stationed at Jackson for election purposes?—A. No. I answered the question that they were stationed there, and had been.

Q. You do not mean to be understood from your testimony in the first examination, then, that troops were stationed there for election purposes?—A. Not for the purposes of the election particularly. I meant to say that they were stationed there. I do not pretend to say for what purposes they were stationed there.

Q. There has always been a camp there for eleven years, has there not?—A. Yes.

Q. And the troops were simply in the garrison, as usual, at Jackson?—A. Yes.

Q. Was there not in your paper a great deal of complaint made about the extravagance of the republican party concerning the public printing under the Pilot?—A. There was.

Q. Was it not one of the chief war-cries of the democratic canvass?—A. It was.

Q. Did you not publish many an article against it, as the leading democratic editor?—A. Yes.

Q. Were you not a partner with the Pilot as public printer?—A. I was not.

Q. Was not the Clarion?—A. The Clarion proprietors had an interest in the public printing for two years.

Q. Had a half interest?—A. They had an interest in it. I don't remember what interest.

Q. Do you not know that they had one-half of it?—A. No, sir.

Q. You think they did not have that much?—A. I think not.

Q. Did they not have a half of the net profits?—A. I think not.

Q. You were one of the editors and proprietors?—A. One of the editors; not one of the proprietors.

Q. The Clarion is now the State printer?—A. Yes.

Q. And during these two years of extravagance the Clarion had an interest in the profits of the public printing?—A. Yes; there were six years of extravagance complained of. During two of those years the Clarion had an interest in the public printing, and during that time the price of public printing was greatly reduced.

Q. But still the Clarion had an interest in it?—A. Yes, and the public printing was greatly reduced during that time.

Q. Was it reduced a single cent during the first year that you had an interest in it?—A. Don't say "you."

Q. The Clarion, your newspaper?—A. I am the editor of the paper, but not one of the proprietors. Propound your question in the form I suggest, and I will answer it.

Mr. McKee. What form is that?

The Witness. Whether the paper itself had an interest.

Q. Was there any reduction whatever during the first year that the Clarion had an interest with the republican Pilot?—A. A very large reduction, and it was based upon the pledge of the Pilot proprietors that they would advocate, and that the other party would advocate, a reduction of the printing. That was the condition of the arrangement.

Q. Was it reduced the first year?—A. Yes, sir; reduced by that legislature, immediately or soon after the election by the votes of democratic members and a portion of the republicans. Captain Fisher, who is present, knows that there was a reduction and voted for it.

Q. What was the amount of printing done that year, the first year the Clarion went "partners" with the Pilot?—A. I know there was a great reduction. The amount had run up to $125,000, and I think it was cut down to about twenty or thirty thousand dollars less.

Q. Was the price of the printing reduced one cent in that time?—A. It was during that session.

Q. At the first session?—A. At the first session. That is my recollection.

Q. Are you positive as to that?—A. That is my recollection, that it was at that session.

Q. You are not positive that it was so?—A. The bills passed the house of representatives by the votes of the democrats and a portion of the republicans (the Alcorn republicans, as they were called) acting together, and a very material reduction was made.

Q. In the price let for the public printing—I do not mean the amount.—A. Yes; in the rates I mean.

Q. Under the law of Mississippi, if there are double ballots or unlawful ballots thrown into the box, must the judges of election count them or must they throw them out?—A. I do not remember the law on the subject. I have never examined it.

Q. As a judge of election, if four or five tickets were folded into one, would you throw them out, if you were judge, or would you count them all?—A. I do not remember what the law is, and could not say that I would decide upon my action until an occasion should arise.

Q. You do not know, then, whether you would throw them out or not?—A. If they were wrapped up in such a way as to indicate that they had been fraudulently put in I would throw them out. It would depend upon circumstances.

Q. I will read an article from the Daily Clarion of October 20, 1875, the paper of which you were the editor:

Fair warning.

We hereby give notice to all registrars, inspectors, and clerks of election that if any of them have accepted or are going to accept the positions with the intention of working for the republican party and not the State, they had better forego that intention or decline the positions they hold. The democrats and conservatives intend to have a majority of the votes in the boxes, and they intend to have the votes counted and returned as they were put in the boxes. Remember that and make a note of it.

That is from your editorial columns, is it not?—A. Yes, sir; that appeared in the Clarion. I indorse and approve it.

Q. I read again from the same issue of the same paper:

Count every vote in every box, or swing.

That is from paper also?—A. Yes, sir; and inserted by my approval.

Q. I read a little extract from the Weekly Clarion of October 20, 1875:

Hang the registrar that proposes to throw out a democratic vote or a democratic box.

That is another article of yours?—A. That is in the paper that I was connected with.

Q. I read another also from the Weekly Clarion:

Hang the inspector of election that proposes to cheat you out of the victory by throwing out your votes.

That also is in your paper, is it not?—A. Yes.

Q. I read another:

The victory is already won. If an attempt is made to throw out democratic boxes, hang the man that does it.

Is that also in your paper?—A. That was there.

Q. I read another from the same paper:

If the old game of packing the polls is attempted and the radicals will not give you a chance to vote, *break the line.* Come what will, break the line.

That was inserted by my authority and indorsement.

Q. I read another:

General Warner wants true and tried men. If his "true" men undertake to win by counting after they have lost by the voting, let them understand that they are already tried, and inflict justice upon them without ceremony.

That was in your paper, was it?—A. I indorse that. That was in my paper.

Q. I read another—this one from the Clarion of October 21, 1875:

A clear poll or a fight.

That was in your paper?—A. Yes; that was in the Clarion.

Q. Were those the peaceable times you were speaking about—the times when you were having a nice, peaceable election and a quiet canvass?—A. Yes, sir; that was one of the canvasses to which I referred, in which the democrats appealed to the colored people to vote with them, and that they would give them protection in the enjoyment of their rights.

Q. I read another little editorial from the Daily Clarion of October 21, 1875, as follows:

A long line of voters packed towards or around the polls will have the appearance of a military body, and will be taken as an invitation for a fight.

That was in your paper, was it?—A. Yes, sir.

Q. You indorse that?—A. Yes, sir.

Mr. HOOKER. That is prior to the election of 1875?

Mr. MCKEE. Yes, sir. (To the witness.)

Q. Have you, as an editor of many years' standing in Mississippi, inculcated violence, or, on the contrary, have you inculcated peaceful submission to law and order? I am not speaking personally now, but as a democratic leader?—A. I have inculcated submission to law and order.

By Mr. MCKEE:

Q. That has been the tenor of your paper, has it?—A. Yes; that has been the intention of it, at least.

Q. I read from the Weekly Clarion, of date Wednesday, October 27, 1875, as follows:

With the exception of the troubles in Yazoo which the parties who have suffered have brought on themselves, peace prevails throughout the State, and will continue, unless Warner's suggestions about "counting the votes and making up the returns" in the interest of radicalism, are attempted to be carried out; and in that event we apprehend that legal process will be too tardy to prevent the evil. Desperate diseases require desperate remedies.

That is an editorial of yours, is it not?—A. Yes, sir; that I inserted.

Q. And you are satisfied with it?—A. Yes.

Q. That is in the interests of law and order, I suppose?—A. Yes.

Q. I believe you have claimed to be rather conservative in your views—not extreme, or bourbonish?—A. I have.

Q. Rather a moderate man, have you not?—A. Yes.

Q. And have attempted to so edit your paper?—A. Yes.

Q. I believe it is the paper of largest circulation in the State, is it not?—A. I will not say that. It has a large circulation, and is the official organ of the present democratic administration.

Q. I read now a double-leaded editoral from the Clarion, of October 5, 1876:

To the patriotric, self-sacrificing, and generous enthusiasm of the young men of the State, more was due for the deliverance of our State from misrule in 1875 than to any other agency. We beg them not to permit their ardor in the good cause to be abated, nor their energies to be repressed by well-meant appeals to what is called moderation. Moderation means apathy, and apathy means defeat and death. No victory was ever won by moderation.

That is one of your editorials, is it not?—A. Yes, sir; I wrote that.

Q. Recently?—A. I wrote it at the date you mentioned.

Q. In October, 1876?—A. Yes.

Q. Has it, or has it not, been the custom when witnesses have testified concerning outrages, for the democratic press of Mississippi to hold them up to abuse and vilification, and to incite violence toward them?—A. I cannot speak for the democratic press of the State. I can only speak for the paper with which I have been connected, and it has denounced men who, according to its belief, have sworn falsely.

Q. But your paper has not incited others to violate the law by attacking them?—A. It has denounced what it has believed to be false statements.

Q. Answer my question, if you please.—A. It has not, further than that—further than expressing its own opinion. It has not called upon other newspapers to take a course according to its dictation.

Q. It has not incited or even done such a thing as countenancing violence toward witnesses testifying?—A. It has denounced the false statements of witnesses.

Q. Answer my question, if you please.—A. I thought I was answering it.

Q. I wish to know whether it has not incited or done such a thing as to countenance violence toward witnesses testifying?—A. When I believed they stated falsely, it has; otherwise, not. As a rule, it has not.

Q. But it has sometimes?—A. When it believed the statements were false—invariably, when it believed the statements were false.

Q. You mean it has done that invariably when it believed the statements were false?—A. Yes. It never has abused a witness for telling the truth.

Q. You established yourself as censor, however, and decided whether the statements were true or not?—A. I formed my own opinions, of course, from the facts.

Q. And published them accordingly?—A. Yes.

Q. In this peaceful state of affairs in Mississippi, did you ever hear of any democratic papers justifying assassination?—A. I don't remember that I heard any such thing.

Q. You exchange with all the democratic papers, and read them?—A. I believe I do, sir.

Q. Did you ever hear a democratic paper condemn in 1875 or 1876 the assassination of republicans, we will say, in Louisiana, not bringing it any nearer home?—A. I have never known democratic papers to admit that there was assassination anywhere by democrats.

Q. Then I will call your attention to an article from the Aberdeen (Miss.) Examiner.

Mr. HOOKER. I do not think it is proper to insert the remarks or comments of a paper other than his own. You can ask him about his own.

Mr. MCKEE. Let the objection go on the record, but I shall insist upon my question, for this reason, that I wish to prove by this witness that the Aberdeen Examiner is a leading democratic paper, and we are now investigating into the general matter.

Mr. HOOKER. But, according to that, we can insert paragraphs from every newspaper in the State—about which this witness knows nothing. If the editors of those other papers were here, it would be a different thing.

Mr. MCKEE. He has stated that the elections were peaceable.

Mr. HOOKER. That may be, but I do not think you can quote to him from other papers.

Mr. MCKEE. I must insist.

Mr. HOOKER. I object.

Mr. MCKEE. I will read the article from the Aberdeen Examiner, as follows:

A reward of $5,000 is offered for the discovery of the man who shot that precious pair of scoundrels, King and Twitchell, in Coushatta, La., the other day. Assassination is a terrible thing, but the persistent backing that the Administration has given to the Gesslers, who tyrannize over poor Louisiana in its name, may yet create a sentiment in that State, and in the nation, that will justify the assassination of the whole serpent's brood of her domestic oppressors.

If the name of William Tell is dear to the hearts of liberty-loving people everywhere, because of his having put an arrow through the heart of Gessler, the tyrant of Altorf, will they not as readily justify the man who put a bullet through Senator Twitchell, the cold-blooded despot of Red River Parish, who in 1874 organized a scheme for the murder of a houseful of innocent persons, assembled at a ball at Coushatta.

The man that shot Twitchell will never be discovered; for if known he *will not be betrayed* by a people who are compelled by the strong arm of the National Government to bend the knee to a horde of scoundrels or else kill off the scoundrels as the only alternative left them.

(To the witness.) What is the standing of the Aberdeen Examiner?

Mr. HOOKER. Are you going to ask that question on the article you have read?

Mr. MCKEE. Yes.

Mr. HOOKER. I object to it, on the ground that it is the statement of another party, and the record is incumbered with it. When I, last night, proposed to prove by Major Barksdale the statement of a witness who had examined the article prepared for publication in the Clarion, by Lester, and when I stated that that statement was sworn to, you objected to its going in. If you insist upon this statement going in, I must insist upon the other going in. If this goes in, I shall insist upon the same rule being applied to the document which Major Barksdale wanted to put in last evening. If your objection was good then, my objection is good now.

Mr. McKee. I will put the question. What is the standing of the Aberdeen Examiner?

A. It is good.

Q. (By Mr. McKee.) It is good with the democratic party?—A. Yes.

Q. I read now from the Weekly Clarion of October 22, 1875:

SWING.

[Vicksburgh Monitor.]

Hang the registrar that proposes to throw out a democratic box or a democratic vote. (Clarion.)

We fail to see any of the fruits of the peace conference in that. (Pilot.)

From the above it is apparent that the guileless muttonhead who turns the crank of the Thieves' Organ, is under the delusion that the "peace conference" was gotten up especially to enable its party to do all manner of devilment, such as throwing out ballots, counting in defeated radicals, and so on. Well, when its tools try that little game, they will find that the climate of Mississippi is productive of a disease that results in sudden death by contraction of the windpipe. Only this, and nothing more.

That is in your paper, is it not?

A. Let me see that paper. It is not language that I usually employ. It must be an extract. [Looking at the paper.] That is copied from the Vicksburgh Monitor.

Q. But it is copied into your paper?—A. Yes. I thought I never had employed that language. It was copied into the Clarion from the Vicksburgh Monitor.

Q. Then you approved of it?—A. O, yes.

Q. I read now from the Clarion of November 6, 1876, as follows:

If Artesia had been on the line of the Vicksburgh and Meridian Railroad last Wednesday morning, when the five hundred armed negroes were forming solid squares, and marching and countermarching and establishing "dead-lines," for an hour or two, Warren and Hinds Counties would have put into that quiet little village a body of men who would have planted that "dead-line" so deep that nothing except Gabriel's trumpet could have moved it. That five hundred armed negroes wouldn't have had a corporal's guard left for duty. A body of men who, our word for it, would have made Rome howl. A body of men who have not forgotten the daylight attack on Vicksburgh or the Clinton massacre. Men who have been there and who would have known what they went for again.

That is from your newspaper?—A. Yes, sir.

Q. It is an editorial?—A. Yes.

Mr. Hooker. You are inserting the whole of the articles which you are reading, are you?

Mr. McKee. Yes, sir.

Mr. Hooker. You are not inserting fragments of them?

Mr. McKee. No, sir; I am reading the whole article.

(To the witness.) In the county of Hinds, which you represent as so peaceable—that of 1875—I find in your paper dated October 20, 1875, cut from the Forest Register, an article which I shall read.

Mr. Hooker. I again interpose the same objection that I made before.

Mr. McKee. This is republished in this witness's paper.

Mr. Hooker. I withdraw the objection as to that article.

Mr. McKee. I will read the article:

Every man in this community, yea, every white man in the State, *should be prepared for the emergency.* Your and your family's welfare demand this of you. Your property may be in jeopardy. Be not aggressive, but ready for the work. It is too late when the hour arrives to see if your guns and pistols and arms are in place. Is your powder dry? Are your caps certain to explode? A word to the wise is sufficient.

(To the witness.) That was in your paper during this peaceable election?—A. Yes.

Q. (By Mr. McKee.) You were a moderate man as far back as 1870 or 1871—from your stand-point—were you not?—A. Yes.

Q. I read from the Clarion of December 8, 1871:

That the Leader has discovered this is not at all wonderful, but its publication of the fact is indeed so. Some time since we intimated that these vandals were not such noble gentlemen as super-loyal journals claim. Then the Leader held up its hands in holy horror, while it raised that doleful and loyal tune of "The unrepentant rebel." A change has come over the spirit of its dreams. It has taken a new departure, and has begun the publication of letters proving what we but knew before, that the armies of the North during the war were composed of thieves, from the highest general to the lowest drummer-boy or teamster.

A. Personally, I did not write that article, and do not remember it, but can tell when I see the type whether it appeared in our paper or not.

Mr. HOOKER. [Looking at the article.] This must be predicated on something else. It begins: "That the Leader has discovered this is not at all wonderful, but its publication of the fact is indeed so." Now, what was that fact? We do not know what that fact was; so this must be a mere fragment of an article. We object to its being inserted, because it is not an entire article. It evidently refers to some previous matter; and I interpose this further objection, that it is not read from the paper itself, but from a scrap-book.

The WITNESS. I deny that this appeared in the Clarion. [After further observation.] I do not identify it as Clarion matter.

Q. (By Mr. MCKEE.) Do you deny that the Clarion published such an article?—A. I do not admit that it did, and I don't think it did.

Q. You do not think it was published in the Clarion of that time?—I do not.

Q. Will you say that it was not?—A. I will say that I don't remember that it was, and don't believe that it was. I will say positively, if you allow me, that I know that I never wrote that article, and don't believe that it appeared in the Clarion.

Q. When did you go into the State of Mississippi?—A. In 1840.

Q. When were you made public printer, or when did you become connected with the public printing?—A. First in 1854.

Q. That was your first position connected with the public printing?—A. Yes.

Q. What was the first position you held in the State?—A. That was the first position.

Q. You held nothing prior to that?—A. Well, yes; I was appointed by Governor Quitman on his staff in 1850. I was public printer from 1854 to 1860, and was a member of the confederate congress from 1862 to 1865.

Q. And you are now public printer?—A. Well, the office with which I am connected is doing the public printing.

Q. In the Clarion of November 6, 1875, I find an article on the Artesia affair, in which occurs the following paragraph:

The thirst of that five hundred negroes for blood should have been quenched in blood. It would have taught them a lesson that they would never have forgotten. It has been tried in Warren County, and worked well. The same remedy was applied in Hinds and Claiborne Counties with splendid effect.

That is from the Clarion, is it not?—A. Yes.

Q. You remember that?—A. Yes.

Q. Hinds, Claiborne, and Warren Counties have since that time gone democratic, have they not?—A. Yes.

Q. They had hitherto been republican counties?—A. They had previous to 1875.

Q. Previous to those riots?—A. Previous to 1875. I don't know what riots you refer to.

Q. Previous to the riots to which you referred, Warren and Vicksburgh; the riots spoken of by this editorial?—A. Yes.

Q. Since then they have gone democratic?—A. Yes.

Q. I read an article from the Clairon of October 18, 1876:

Let no democratic citizen be silent when he hears carpet-bag office-holders promulgating falsehoods to groups of colored men. On the contrary, let us all make it a point to correct all such perversions of truth at the moment they are made. We surely have liberty of speech.

A. I will mention that I was in the canvass as elector of the State at large. That article appeared in the Clairon and I approved it. It was written by other members of the editorial staff, but I approved it.

Q. When a man is given a lie in Mississippi, or as you state it, "to correct the perversions of the truth," is there not likely to be a breach of the peace then and there?—A. Very likely.

Q. Especially in heated election-times?—A. Yes; that would have been the effect.

Q. Things were tolerably excited in Jackson just then?—A. Yes.

Q. In regard to the public printing; you are the present public printer, I believe?—A. No, sir.

Q. Your office is?—A. The proprietors of the paper which I control are the public printers, J. L. Power and Harris Barksdale.

Q. Harris Barksdale is your son?—A. Yes; that office is doing the public printing. I am one of the editors of the paper; the managing editor of the paper.

Q. And the political editor?—A. And the political editor.

Q. Has not the democratic legislature raised the price of public printing from what it was last year?—A. No, sir.

Q. Did you not advocate it?—A. I did not, sir.

Q. Did not the democratic papers generally advocate it?—A. Some of them advocated the raising of the price of legal printing from the rate that was fixed.

Q. Did you?—A. No, sir.

Q. You said nothing about it?—A. I said nothing about it.

Q. Did they raise the price of legal printing?—A. They did not.

Q. It stays just as it was?—A. Just as it was. Do you refer to the public printing or to the legal printing—legal advertising?

Q. Both?—A. The Clairon did not advocate the raising of the price of either, nor was either raised.

By Mr. HOOKER:

Q. You were asked about an article which was published in the Clarion, in which you said that no further appeals would be made to the negroes. Did you mean by that that they had frequently been appealed to in past elections, and, having not responded to those appeals, no further appeals would be made because they had turned a deaf ear to what had been proposed?—A. That was the meaning of the article, as I explained last night.

Q. You were asked as to whether or not the democratic party, through its speakers and its papers, had made appeals to the colored people prior to 1875—whether they had so conducted canvasses? They had done so, had they?—A. Yes.

Q. Was there, however, any active organization of the democratic party in Mississippi until the tax-leagues began to be formed in 1874, and in the beginning of 1875?—A. There was not. There was not a concerted effort at controlling, by addresses, the votes of the colored people.

Q. The republican party had had possession of the State and county governments—executive, legislative, and judicial—from 1869 to 1875, had they not?—A. Yes.

Q. During that time how were the colored people conducted to the polls, and especially in the county of Hinds, of which you know? Did they go to the polls in companies or bands and armed or unarmed?—A. They came generally in bands and armed. They gathered under the influence and control of white leaders around the polls, and frequently excluded democratic voters from access to the polls.

Q. Those leaders of the party were, generally speaking, what are denominated carpet-baggers?—A. That was the political designation.

Q. Have you no knowledge as to whether or not the colored people were kept away from public discussions of the democratic party—whether there were efforts by the opposite party to prevent the colored people from going to the discussions or speeches of the democrats?—A. That was my understanding and information.

Q. The first energetic canvass then made by the democratic party was the canvass of 1875?—A. Yes; after the refusal of the legislature to correct the abuses which had been complained of by prominent republicans—General McKee. Captain Lake, Mr. Muskgrave, and the democratic citizens of the State generally. Then these active efforts to which I refer commenced.

Q. And the organization of 1875 was made?—A. Yes.

Q. Is it not true that in that canvass of 1875 a great many of the white people of the State registered and voted, and took an interest in the election, who had never taken an interest in elections since 1869?—A. Thousands of them.

Q. You were asked in reference to whether or not certain democrats had not voted against the school-law. I will ask you to state in that connection what has been the policy adopted by the democratic legislature since it went into power in the election of 1875, in reference to the continuation of the taxes for the support of schools, and whether or not the children of the colored people have not, under democratic rule, enjoyed their full share of the appropriation of these taxes for school purposes?—A. In reply to your interrogatory, I will state that the democrats, in the first instance, voted against the school-bill because the policy of mixing the colored and white children was openly advocated by those that were called the carpet-bag leaders, and by some of the colored republicans; and the democrats, knowing the position which leading republicans occupied on that subject, voted against the school-bill when it was first proposed, because a proposition to insert a clause prohibiting the intermingling of the white and colored children was voted down by the republican majority. The democratic party I would say, in further answer to the interrogatory, since its accession to power, having pledged itself to maintain and keep up the system of public schools, has continued to do so, and the colored children throughout the State are attending the public schools more unanimously than the white children. The support is well kept up, and five months' tuition during the year is now guaranteed under democratic rule to the children, white and colored, of the State; whereas a month less was guaranteed under republican legislation. The democratic party is fully committed to the maintenance of the public-school system.

Q. You were asked something about an editorial in one of the issues of your paper, in which an allusion was made to Mr. Warner, which has been read. Will you be good enough to explain what caused this editorial, and whether anything published by Mr. Warner? State who Mr.

Warner is, and what his position was when he published it.—A. Mr. Warner is a gentleman who came from Connecticut to Mississippi after the war. He had been in a public office there, and was at the time of that canvass, 1875, acting as chairman of the executive committee. He issued a secret circular, which I obtained, in which he called upon the republican registrars having majorities of the board in the several counties to take advantage of the powers and privileges which they possessed as registrars.

Mr. McKEE. I tender the witness the letter referred to and issued by Mr. Warner, so that primary instead of secondary evidence of it may be in the record:

ROOMS REPUBLICAN STATE EXECUTIVE COMMITTEE
STATE OF MISSISSIPPI,
Jackson, September 21, 1875.

[Circular letter.]

DEAR SIR: You are aware that during the present canvass and in the coming election, while the opposition are using every means to defeat the republican party, we are forced to the necessity of employing every lawful advantage our position gives us. Not the least of these is the matter of registration, and in the proper performance of the duties of registrars. It is apprehended that many republicans have already been prevented from registering by threats and intimidation. It is, therefore, of the greatest importance that the majority of the board of registrars should be composed of men not only true and faithful, but who will also have the courage and firmness to discharge their duties fearlessly, especially in canvassing the vote and making up the returns. With this view we earnestly ask you to examine the list of your appointments critically, and satisfy yourself fully as to the character of each man, and make such changes as in your judgment will promote the free and full expression of the people at the ballot box. We take the privilege of addressing this circular-letter to all the judges and chancellors throughout the State, because it has been suggested to us that there are some professed republican registrars who are incompetent, unworthy, and of doubtful fidelity.

Respectfully,

A. WARNER,
Chairman.

By Mr. HOOKER:

Q. Was that issued as a secret circular?—A. Yes.

Q. The publication which you made in the Clarion was predicated upon that secret circular?—A. Yes; it was addressed secretly to the judges and chancellors.

Q. Did the judges and chancellors have the appointment of the registrars at that time?—A. They did; the sheriff, chancellor, and circuit judge.

Q. Those were the persons that constituted the board of registrars at that time?—A. Yes.

Q. Before the present system was adopted?—A. Yes.

Q. You were asked whether in 1874 and the beginning of 1875 was the peaceable time, when good feeling existed, to which you referred in your direct examination. I will ask you if you remember a disturbance which occurred at Meridian between the whites and the blacks?—A. I do.

Q. About what time did that occur?—A. I think early in the year 1874, or in the fall of 1874.

Q. Who was governor of the State of Mississippi at that time?—A. Governor Alcorn.

Q. Nominated by the republicans?—A. Yes.

Q. Elected by republicans?—A. Yes.

Q. And holding his office as a republican?—A. Yes.

Q. Do you remember after this disturbance at Meridian, while it was undergoing judicial investigation, a telegram which he sent to one Mr.

Ames, who was then in the United States Senate from Mississippi?—A. Yes; I remember it well.

Q. What was the purport of it?—A. That the State authorities possessed ample power to enforce law and order and preserve the peace, and that, with the exception of the trouble at Meridian and probably one other point mentioned, a condition of law and order and peace prevailed throughout the State.

Q. That was immediately after the disturbance at Meridian?—A. Yes.

Q. You were asked about an article which was published in your paper of October 5, 1876, in which you speak to the young men about moderation. I will ask you now to explain what was your object and meaning in that article in the use of the term "moderation," in the sense in which it was used there?—A. It was to inculcate the idea among the democrats of the State, and especially the young men, that it was necessary for them to continue active, as contradistinguished from lethargy and inactivity, and to preserve the organization and discipline of the party.

Q. There was not that degree of very active interest in the election of 1876 that there was in the election of 1875, was there?—A. There was not.

Q. What did that arise from? I will ask you in the first place whether there were any county canvasses for county officers in 1876?—A. There were none.

Q. Except when they might occur to fill vacancies?—A. Yes; no regular election except for President and members of Congress.

Q. And therefore there was not that general interest taken throughout the State as in 1875?—A. There was not.

Q. You were asked as to whether the Clarion newspaper which you edited had denounced persons who had testified as to scenes of violence. I will ask you whether that denunciation was not predicated upon the idea which you had that those persons testifying had testified falsely?—A. That was the meaning and intent of any denunciation of witnesses. I so stated when the question was asked me, and I repeat it now, that it applied to persons whom I believed to be swearing falsely.

Q. In reference to the Artesia matter as to which you were inquired of, I will ask you to state whether or not it was not reported that five hundred armed negroes were approaching upon Artesia for the purpose of making an assault upon the white people of that place; and whether the article which you have been asked about, dated November 6, 1876, was not predicated upon that condition of public affairs as reported to you?—A. It was; and for the protection of the lives of the citizens.

Q. You were asked as to the connection of the Clarion office with the public printing in Mississippi during the last two years of republican rule in that State.—A. No, sir; that was not during the last two years. It was during two years of republican rule, but not the last two years.

Q. I will ask you to state in general terms what was the cost of public printing under republican rule in Mississippi from the year 1869 up to 1875, when they were defeated, and the State passed into the hands of the democrats?—A. It varied from $125,000 to $50,000 a year.

Q. Do you remember what year it was that a colored man by the name of James Lynch was secretary of state of Mississippi—do you remember under whose administration?—A. Under Governor Alcorn's administration.

Q. What was the cost of the public printing that year?—A. It was about $125,000.

Q. What had been the cost of public printing anterior to the war in that State of Mississippi?—A. It varied from $8,000 to $15,000.

Q. What was the reduction in the first and second years in which the office of the Clarion was interested in the public printing, while the Pilot was the public printer, and the republicans were in possession of the State?

The WITNESS. During the republican administration?

Mr. HOOKER. Yes.

A. I think it was from $125,000 to about $70,000. The reduction was about $40,000.

Q. How much was it the second year?—A. It was about $10,000 less.

Q. Still a reduction of $10,000?—A. Yes.

Q. What has been the cost of the public printing since the democrats have gone into power in 1875?—A. The cost of public printing since the democrats have gone into power was $20,000 a year.

Q. What is the appropriation for public printing during the present year by the present democratic legislature of Mississippi?—A. Twenty thousand dollars.

Q. State, if you know, what the expenses of the other departments of the government under radical rule were, and how they compare with those of the present administration.—A. The average expenditures of the judiciary department under radical rule were $312,000 a year. The appropriation for the support of that department under democratic rule has been $90,000 a year.

Q. That is since 1875?—A. Yes, sir; under democratic rule. For the legislative department, the appropriation varied under the republican administration from $130,000 to $250,000 a year. The appropriations under the democratic administration for the same department have been $100,000. The cost of assessing in the State under republican rule varied from $30,000 to $175,000 a year. The appropriation for that service in the first year of the present democratic rule was $15,000. For the second year, which is the present, it is $5,000, and the reduction has been proportionate under the other departments and branches of the public service.

Q. In reference to the two years which you have stated in your examination that the Clarion newspaper was interested in the public printing under republican rule, what were the terms and conditions of that contract?—A. The conditions of the contract were that the Pilot establishment would co-operate with the Clarion, and with the democratic members, in securing a reduction of the prices of public printing.

By Mr. MCKEE:

Q. Is that in the contract?—A. That was in the agreement.

Q. Was it in the written contract?—A. I do not know that it was; but it was a part of the understanding, and a condition of the agreement, yes. That was a condition of the agreement made, both to Mr. Raymond, who represented the Pilot, and to Messrs. Alcorn and Fisher, who represented the Leader; and in accordance with that agreement, the democrats, and a portion of the republicans, all voted to very materially reduce the price of public printing. Mr. Fisher is present, and will attest that fact. He was a member of the legislature at the time, and voted for the reduction; but for that agreement and co-operation, no association would have been formed for executing the public work between the two offices.

Q. About this editorial which referred to Mr. Warner; you stated that he was chairman of the republican executive committee in the canvass of 1875?—A. Yes.

Q. Where is he now, and what has become of him since? Is he still

a resident of the State?—A. I saw him in Jackson recently. For the most of the time during the year 1876, I think he was in Connecticut, but recently I saw him in Jackson.

Q. You were asked about whether the counties of Hinds and of Warren had been republican prior to the riot in Warren County and prior to the riot at Clinton, Hinds County. At what time did this riot occur in Warren County?—A. In 1874.

Q. Do you remember the month?—A. I believe it was in November, but I am not sure.

Q. Just prior, then, to the election?—A. Yes.

Q. State whether or not, at the time when this riot occurred in Warren County, republicans were in office in all the county offices—in the judgeships and in the chancellorships, as well as in every other office in the county.—A. They were.

Q. Who was the sheriff of Warren County at the time when this riot occurred?—A. A man named Crosby.

Q. Was he white or colored?—A. A colored republican.

Q. What were the circumstances of this riot? What did the riot consist of?—A. Crosby had resigned the office of sheriff——

Q. I mean as to the parties who made the attack, &c.—A. A colored man was sent to Vicksburgh at the instance of Crosby and other republican leaders, with arms, for the purpose of re-instating Crosby in the office of sheriff, which he had resigned.

Q. In what numbers did they come and by what roads?—A. In very large numbers and by the various roads leading to the city.

Q. They were met and resisted by the white persons, were they?—A. Yes; in the suburbs of the city, within the limits of the corporation.

Q. There was no attack made by white persons upon the colored men; there was no going out from Vicksburgh for that purpose?—A. None whatever.

Q. I will ask you to state, if you know, how many white persons were present at this Clinton riot, and how many colored.—A. I should think about fifty white persons and several thousand colored persons.

Q. Were you there?—A. I was not. I meant to state that I spoke from the statements of others.

By Mr. HOOKER:

Q. Have you seen white persons who were there?—A. I have.

Q. And conversed with them?—A. Yes.

Q. That was the Clinton riot that has been referred to here?—A. Yes.

Q. You were asked the question whether these counties have not gone democratic since that time. I will ask you whether you do not know, of your own knowledge and from information, that in the county of Hinds large numbers of colored people in 1875, particularly in the lower part of the county, joined the democratic canvass and bore the democratic banners in the processions of 1875 and 1876?—A. My information is that large numbers of the colored people in the lower part of Hinds County (in various portions, indeed, but almost unanimously in the portions of the county to which I refer) joined the democratic clubs, carried the democratic banners, and wore the democratic uniforms, and voted the democratic ticket.

Q. Were those numbers increased in 1876 or diminished?—A. They were increased in 1876; the majority was very considerably increased.

Q. Is the county of Hinds the county of the capital?—A. Yes.

Q. The Federal courts sit at Jackson?—A. Yes.

Q. The United States marshal has his office there?—A. Yes.

Q. And the barracks of the Federal troops are immediately within the limits of the town?—A. Yes.

Q. Was there at either of those elections in 1875 or 1876, in the city of Jackson, the slightest possible disturbance or interference with the colored men in casting their votes at either of those elections?—A. There was not the least.

Q. You were in the city?—A. I was.

Q. And it was entirely quiet and peaceable?—A. Yes.

Q. Is there any other matter which you would like to state, in justice to yourself, in reference to these various publications in your own paper, about which you have been examined? If so, state it.—A. Nothing further, sir.

By Mr. McKee:

Q. You say the colored people came to the polls in bands and with arms?—A. Yes.

Q. Where did you see that?—A. In Jackson.

Q. When?—A. In repeated elections, from 1869 to 1874.

Q. What kind of arms did they have?—A. Sometimes pistols; at other times, guns.

Q. Did you see the pistols?—A. Yes.

Q. "At other times guns?"—A. Yes; generally pistols.

Q. You saw the pistols?—A. Yes.

Q. Is it a custom to see pistols when a man carries them in that country?—A. Colored people generally exhibit their pistols.

Q. The white people do not?—A. Not so often.

Q. They all carry them, do they not?—A. Well, that I can't say.

Q. You cannot say as to that?—A. No.

Q. You do not know whether the white people go armed with pistols or not?—A. I don't know whether they do or not.

Q. Do you not know that they generally do go armed, as a matter of fact?—A. I do not. That refers to the private habits of individuals, of which I know nothing.

Q. Well, how is it in exciting election times, for instance?—A. I presume that in exciting election times they do.

Q. Did you never publish in your paper articles inciting them to be ready?—A. Yes.

Q. And to see that their caps would explode?—A. Yes; to be ready.

Q. You say the attempt was made by the carpet-baggers to intermingle the white and colored children in the schools?—A. Yes.

Q. Please name the time and the place of any such attempt.—A. It was in the attempt to carry the constitution of 1868.

Q. But you stated that it was caused by republican legislation in 1875, which roused the people, and you gave that as your reason at that time.—A. I mentioned that fact in reply to the interrogatory put to me, whether the democrats voted for the first school bill. I said that it did not contain a provision guarding against the intermingling of the two races in the schools, referring to the original act on the subject, early in the organization of the parties.

(The witness here desired to have read the question and answer already given bearing upon this subject, which were read, as follows:)

"Question. You were asked in reference to whether or not certain democrats had not voted against the school law. I will ask you to state in that connection what has been the policy adopted by the democratic legislature since it went into power, in the election of 1875, in ref-

erence to the continuation of the taxes for the support of schools, and whether or not the children of the colored people have not, under democratic rule, enjoyed their full share of the appropriation of these taxes for school-purposes.—Answer. In reply to your interrogatory I will state that the democrats, in the first instance, voted against the school bill, because the policy of mixing the colored and white children was openly advocated by those that were called the carpet-bag leaders and by some of the colored republicans, and the democrats, knowing the position which leading republicans occupied on that subject, voted against the school bill when it was first proposed, because a proposition to insert a clause prohibiting the intermingling of the white and colored children was voted down by the republican majority," &c.

Q. You referred, then, to 1868?—A. Yes; when the proposition to prevent the intermingling in schools of the children of the two races was voted down by the republicans in the convention. That was the time I refer to. I thought I had been explicit in stating so.

Q. Is there a law now prohibiting mixed schools in the State?—A. There is not.

Q. Then the law stands as the republicans left it?—A. In that respect.

Q. In reference to mixed schools?—A. Yes.

Q. The republican legislation in that respect was satisfactory enough for the democrats to leave it where it was, after two sessions of the legislature?—A. Yes; the policy became established under this violent opposition which the colored people themselves as well the whites expressed to mixed schools, and so it became a sort of common law between the two parties, without being inserted in the law.

Q. Who are those carpet-baggers that you speak of?—A. Those gentlemen who came from the North.

Q. Name any of them who advocated that.—A. I cannot do it.

Q. What is the meaning of the expression "carpet-bagger?"—A. It is a political designation applied to those persons who came down to the State immediately after the war to take part in politics and conduct the affairs of the State.

Q. Name some of the parties who came there to take part in politics and conduct the affairs of the State.—A. Governor Ames was a carpet-bagger.

Q. Did he go down from the North to take a part in the political affairs of the State and to control them?—A. He remained there for that purpose.

Q. Was he not already there?—A. Yes; he had been ordered there, and remained there for that purpose.

Q. Then he simply remained in Mississippi?—A. Yes, for the purpose.

Q. Well, name another person; some one who fulfills your designation—some one who came down after the war to engage in politics.—A. Captain Pease.

Q. To engage in politics?—A. The first I heard of him he was engaged in politics.

Q. You do not really know whether he came from Louisiana or from the North, do you?—A. Yes; I have seen it stated that he came from somewhere in the North. I believe from a place called Persippany, or some place like that. I don't know from what State.

Q. You have seen that stated in democratic papers?—A. Yes, and in republican papers, too; and I think I have seen it in the Congressional Directory that he was born in the North.

Q. Yes; born in the North.—A. Yes; and came down after the war to engage in politics.

Q. You do not know whether he was a soldier of the United States or not; you do not know whether he was in the Union Army?—A. No.

Q. Do you understand that he was?—A. I don't understand anything about his antecedents.

Q. You understand enough of his antecedents to know that he came from the North, and was born there, and not enough to know that he served in the Union army?—A. No.

Q. Then you only understand what is considered the democratic end of the story?—A. I understand that he came from the North to engage in politics in our State, from the fact that he has constantly done so while he has been under my observation.

Q. Up to 1868 and 1869 there was no republican party, I believe, in your State—the convention first called it into being?—A. In 1868, the republican party was formed.

Q. Prior to negro suffrage there was no republican party of any account, was there?—A. No, sir; the republican party was organized in Mississippi in 1868.

Q. Then do you not know that Captain Pease came there long prior to negro suffrage?—A. I do not know.

Q. Do you say that he did not?—A. I do not. I simply say I do not know.

Q. Then why do you class him as a carpet-bagger, when he does not come under your definition—when you do not know him to come under your definition?—A. I know he came from the North, and I have never known him there except as a politician and a candidate for office.

Q. You do not know that he was a Union soldier, and was mustered out there?—A. I do not.

Q. But you do know where he was born?—A. Yes; I know where I have been informed he was born.

Q. Do you know that he came there to engage in politics?—A. I know it only from the fact that ever since he came under my observation he has been engaged in politics.

Q. He did not come under your observation until he became prominent in politics?—A. Until he became connected with politics.

Q. He might have been engaged as a citizen for years and you not known of him until he became prominent in politics?—A. He might.

Q. Name another person. I want you to name some one who comes under your definition, that is, a citizen who came from the North to engage in politics. I believe that is your definition of the carpet-bagger.—A. T. M. Cardozo.

Q. Is he a white or a colored man?—A. Well, he is about three-quarters white, claiming to be colored.

Q. Did he come there to engage in politics?—A. So far as my knowledge extends.

Q. You do not know that, however?—A. I have reasons to believe it.

Q. Did he come from the North or from South Carolina?—A. My information is that he came from New York; for I heard that he has been indicted there in New York for forgery.

Q. Is it not your information and belief that he was born and reared in South Carolina, and was a brother of Judge Cardozo?—A. No; I never heard that he was born and raised there. I have always heard that he was from New York.

Q. Will you swear that he came from any other place than South Carolina to Mississippi, and that he was not a South Carolinian by birth?—

A. I do not swear in reference to it. I give you my opinion and information—that he came from New York, and was indicted in a New York court upon a charge of purloining a letter from the post-office.

Q. You are very fast in putting that in, and yet you do not know anything about that at all.—A. From what I have heard only.

Q. Give us the name of another prominent man in the affairs of Mississippi who came there to engage in politics and control the State—who came from the North I mean.—A. A gentleman that I have already referred to—Mr. Warner.

Q. Did he come there from the North to engage in politics?—A. Yes.

Q. Do you not know that he came there long before negro suffrage, and immediately after the war, and invested thirty-odd thousand dollars in the purchase of a plantation in Madison County?—A. I do not know that fact.

Q. Do you not believe it to be so?—A. My first knowledge of Mr. Warner was in seeing him as a member of the convention in 1868, which organized the republican party there. I never saw him or heard of him before. He was a member of the convention of 1868, which organized that party—not the constitutional convention but the political convention.

Q. Do you not know that he is a large land-owner in Madison County, and always has been?—A. I have heard that he purchased a place there, but has disposed of it. I do not know myself anything about it.

Q. Is he not a merchant there?—A. I do not know.

Q. At Calhoun?—A. I don't know. I have never heard that he was.

Q. Do you not know that the plantation he bought was bought by him long prior to negro suffrage being established?—A. I do not.

Q. Do you say it is not so?—A. I do not say one way or the other. I say that I never knew or heard of him until I saw him in that convention organizing the republican party.

Q. Had not he, a Union soldier, as much right to come there, and invest his money in Mississippi, as you had to come from Tennessee?—A. Certainly.

Q. Had he not as much right to engage in politics as you have?—A. O, yes.

Q. Name another person who comes within your definition of a carpet-bagger, a man who came from the North after the war to engage in politics and control the State. I want one man who comes up to your definition.—A. I have given three already.

Q. But you have not established that fact in any of them.—A. I have given you the information upon which I base my statement.

Q. You simply called them so, but you did not prove it.—A. G. Wiley Wells was another.

Q. Was not the republican party in power long before he came there?—A. And Mr. Price is another—from Grenada. I don't know precisely at what time Mr. Wells went there, or whether it was before or after the organization of the republican party; but he comes within the designation of persons to whom I have referred.

Q. Do you not know that Mr. Price came to Grenada in 1866, two years before negro suffrage?—A. I don't know. I know he came after the war and engaged in politics.

Q. Do you not know that he was in the Union army?—A. I do not.

Q. Your knowledge is very extensive among politicians there. You have been engaged in politics for many years. You know all the republicans there. I would like you now to name just one that you think you can

establish as coming under your definition.—A. Those that I have named are of that class.

Q. Did you support Dent for governor in 1869?—A. I did.

Q. Was he brought into the State for the purpose of running for governor?—A. He claimed to be a citizen of the State, residing in Coahoma County, at the time.

Q. You know about that claim, do you?—A. I do not, except as I have stated it.

Q. Did he not leave the State as soon as he ceased to be the democratic candidate for governor?—A. He did as a good many other northern gentlemen have after failing to secure office, or after having been thrown out of office.

Q. Can you give the name of any citizen of Mississippi who you are willing to testify came there immediately and engaged in politics, and controlled the politics of the State, persons who come under your definition of a carpet-bagger?—A. Those that I have named come under it.

Q. You have repeated that statement several times, but I want you now to give the names of those who came there with that view, and the dates. You say they came there to engage in politics?—A. I have no knowledge of the precise dates when they came.

Q. If a man came there before negro suffrage and before the republican party was known in Mississippi, then it is presumable that he did not come to engage in politics, is it not?—A. No, sir.

Q. It is not so presumably?—A. No, sir, it is not, if he came there and engaged in politics.

Q. But if there was no politics to engage in for two or three years, it would not be presumed that he had prescience enough to look forward to it, and see it in advance. Suppose he came in 1865 or 1866, and settled there, and afterward engaged in politics, is he then a carpet-bagger—by subsequent action?—A. He is, according to that designation—of gentlemen recently from other States who came there and at once embarked in politics, with a view to controlling the politics of the State.

Q. If he had engaged on the democratic side, would he be called a carpet-bagger if he had come from Alabama, we will say, instead of Indiana?—A. Yes, sir.

Q. He would be?—A. Yes, sir.

Q. Has he been so characterized—any prominent gentleman that you know?—A. I wish to say that it is not customary for persons who are members of the democratic party coming into the State from other States to at once embark in politics, and therefore there has been no occasion for applying the term "carpet-bagger" to them; persons who have made politics their sole business.

Q. Has Mr. Warner made politics his sole business?—A. As far as I know, he has.

Q. Is he not a man of wealth?—A. I have never heard of it, unless he has acquired it during his public service.

Q. Do you not know that he paid $30,000 for a plantation in 1865?—A. I never heard it. I heard he bought a plantation there, and became overwhelmed in debt, and for it for debt. I don't know whether it is true or not and would not give it as testimony.

Q. You do not know that he has a dollar in the State?—A. I do not know it.

Q. You are just giving a mere democratic rumor; is it not a democratic rumor?—A. It is rumor.

Q. It is not a republican rumor, is it?—A. I don't say whether it is democratic or republican. It is rumor.

Q. It is not a republican rumor?—A. I say I don't know whether it is or not. It is rumor.

Q. Is there any man as to whom you can say emphatically that he came there to control the destinies or policy of the State after negro suffrage? It is important to identify exactly who these carpet-baggers are.—A. Yes; I have mentioned Governor Ames.

Q. He did not come there; he was there?—A. Yes, he resigned his position in the United States Army for the purpose of engaging in politics.

Q. But he did not go there for that purpose?—A. He had been ordered there.

Q. I understand that a carpet-bagger is one who brings his carpet-bag there, and at once engages in politics?—A. I have mentioned the names.

Q. Those are the best you can mention then, I suppose, to establish your idea?—A. Yes, they are specimens of a large number whose names I might, upon reflection, recall.

Q. You say that Mr. Warner issued a secret circular?—A. Yes, sir.

Q. How do you know it was secret?—A. It was given by a republican at Grenada in confidence to a democrat.

Q. How do you know that?—A. I was informed of the fact.

Q. Then it is only hearsay that it was secret?—A. Yes, this republican informed the gentleman to whom he gave it that it was a secret circular, and that gentleman forwarded it to the chairman of the democratic state executive committee.

Q. Did you not urge that $20,000 of the people's money should be spent to defend Jefferson Davis?—A. I did not.

Q. In the Clarion?—A. No, sir; I was not connected with the Clarion when that publication was made.

Q. What paper were you connected with at that time?—A. I was not connected with any paper.

Q. Do you not know that the democrats did spend that money?—A. I do not know that they did.

Q. Do you not know that the records of the office show it?—A. I will state what I know if you will let me. I was not connected at that time with any newspaper in the State. I was engaged in planting. The legislature, however, made an appropriation for defending Mr. Davis. It was composed of members of both the old parties. The democratic party had not then been re-organized. It was composed of whigs and democrats, and whigs and democrats were prominent in voting the appropriation. I state my knowledge of what occurred, not what I know myself.

Q. Was there a trial?—A. No.

Q. And the money was never paid back into the treasury?—A. I don't know what was the amount of the appropriation, nor what became of that money. I don't know anything about it.

Q. Do you not know that it was used by the democrats, or by the democratic party, who voted it?—A. I don't know anything at all about it.

Q. Is it not a matter of public notoriety that it was drawn and never paid back?—A. I do not know. I have no information on that subject. It is a rumor that I have not investigated and do not know.

Q. You stated in your prior examination that you did not know of any armed companies around in Hinds County?—A. Yes; previous to the Clinton riot.

Q. Previous to the election, you stated. Do you know of any now?—A. I do not.

Q. Do you know of any formed after the Clinton riot—armed companies?—A. No; not as companies.

Q. Were there none in Jackson?—A. None, as companies, that I know of.

Q. How about those fifty stands of arms in your office?—A. They belonged to citizens of the town, who were not organized into companies, so far as my knowledge extends. I was not a member of any company myself.

Q. I read from the Jackson Clarion, your paper:

The time has arrived when the companies that have been formed for defensive and protective purposes should come to the front. There are three of them in the city of Jackson. There are others in other parts of Hinds County. Let still others be formed all over the State as speedily as possible, armed and equipped with the best means that can be extemporized for the occasion.

Is that from your paper?—A. I have no knowledge of these companies.

Q. But that is in the Clarion?—A. I have no knowledge of it in the Clarion.

Q. Was it not published in the Clarion?—A. Possibly; but not with my knowledge, because I was not in Jackson at the time. I was out in the State. There may have been such companies, but I do not know of their organization.

Q. You were not in Jackson during that time?—A. I say I was not there during the whole canvass. I was absent frequently. Articles may have appeared in the Clarion without my knowledge. I spoke from personal knowledge when you asked the question.

Q. The Clarion was the democratic organ during that canvass?—A. It was a democratic newspaper published in the city of Jackson.

Q. And the democratic State central committee were there and generally promulgated what they did through that paper?—A. Yes.

Q. It was, in effect, the organ generally of the democratic party?—A. Allow me to state my meaning in my own language. It was a democratic paper, published in the city of Jackson, through which the democratic executive committee published its communications.

WASHINGTON, *February* 22, 1877.

I. W. BLESSING sworn and examined.

By Mr. MCKEE, (representing Mr. Teller:)

Question. Give your age and residence.—Answer. I am 43 years of age. I live in Warren County, Mississippi; Vicksburgh.

Q. What position did you hold during the last election?

Mr. MCCASKILL, (representing Mr. Kernan.) Do you mean the election of 1876?

Mr. MCKEE. Yes, sir.

The WITNESS. As registrar.

Q. (By Mr. MCKEE.) Did you assist in registering the voters of Warren County?—A. I do not know. I cannot say that I did assist. I was a kind of a looker-on. I was regularly appointed and qualified, but I was not granted the privilege of assisting. I was along, however.

Q. You were there?—A. I was with the board.

Q. Who were the other registrars?—A. Price and Trowbridge.

Q. What were their politics?—A. Supposed to be democratic.

Q. What are your politics?—A. Republican.

Q. Tell us, as shortly as you can, the manner in which the registration was carried on by that majority of the board.—A. The first introduction that I had to the board, I was appointed to fill a vacancy, on the 25th of September. I was qualified on the 28th—went and qualified; and I had with me a letter from H. R. Ware, complaining of the way they had been registering, and they asked me to show the letter to them. I did so. They made the remark that they did not care a damn for the Government officials; that they had run the thing so far, and they were going to run it in the future. I told them that I was with them to represent the republican party, and I should endeavor to do my duty; and that was all there was about it. I was with them, but they did the registering and attended to the business generally. They refused me the privilege of cross-questioning the witnesses.

Q. What questions did they ask the voters?—A. They asked them almost all the questions they could possibly put to them. They wanted to know the township, the range, and section. I believe they even got down as low as the quarter-section—township and range and section, &c.

Q. How many people are there in Warren County, or what is the proportion of the people of that county, who would know the township, range, and section in which they live, if they are asked off-hand, without an opportunity to hunt it up?—A. I do not have an idea that every twenty-fifth man, hardly, would know the township and range, taking the whites and blacks.

Q. If a man could not answer these questions was he registered?—A. No, sir; he was not granted the privilege of registering.

Q. What was the manner of the examination?—A. They would commence on negroes—there was no examination of white men at all; as far as that was concerned it was a farce; but they would take a negro and they would put him on the stand and they would swear him, and then they would ask him what section, what township, and what range he lived in. The questions they propounded to them in one way, the negroes commenced getting a little familiar with, so that they understood them, and then they changed the programme. It was nothing more than an examination such as they put to a witness on the witness-stand—cross-questioning.

Q. They swore the colored applicants for registration, did they?—A. Yes, sir; and very frequently, after they got through, they would ask them, "Do you know that you are liable to indictment in case you do not swear to the truth; that you have perjured yourself?" They spoke to them very frequently about swearing to the location. They asked them where they got the location from, and I suppose twenty-five or thirty of them there at the court-house, more than that, I reckon a hundred—they went so far as to ask them if Jesse Bowen had not told them.

Mr. McCaskill. I wish you to understand me as objecting to this evidence as hearsay. (Objection overruled.)

Q. (By Mr. McKee.) Were you there?—A. They asked the witnesses on the stand; I should think a hundred at least. I heard them ask.

By Mr. McCaskill:

Q. You heard the questions, do you mean, or do you mean that they told you afterward?—A. They told me since, outside of that. There was one hundred at least that I heard these questions propounded to.

By Mr. McKee:

Q. What were they asked?—A. Whether Jesse Bowen had not given them the instructions as to where the section, township, and range was, where they lived.

Q. What had been his position?—A. He is chancery clerk now. He was elected in 1875, and prior to that, for six years, he was assessor of the county.

Q. And he knew where every one of them lived?—A. He knew the whole county; he had been a republican, I suppose, and is yet.

Q. What was the nature of the registration for the last three days at the county-seat, Vicksburgh?—A. The nature of it was that they pretended to be equally divided; they would let in a white man and then a black man, and at one time I counted fifty-three who came in to be registered, and out of the fifty-three there were two blacks.

Q. What is the proportion of white and colored people in the county?—A. I judge that there is at least two to one.

Q. Two to one of what?—A. Two blacks to one white, as a low estimate.

Q. Is it not more than that?—A. It is more than that.

Q. I mean, is it not more than that under the old registration?—A. Under the old registration.

Q. And under the census of the county?—A. And the census of the county. There is about 1,800 whites in the county, and about 4,800 blacks.

Q. Voters?—A. Voters; according to the old registration.

Q. You say they swore the colored voters in the county, do you?—A. Swore them almost unanimously.

Q. Did they swear the white ones?—A. They did not up to the last three days at the court-house.

Q. How long had they been registering prior to that?—A. They had registered all over the county, and all through the city of Vicksburgh in the different wards, up to the three last days of registration. There was between thirty-one and thirty-two hundred votes registered up to that time, and there was something over half of them that were white that had not been sworn.

Q. And up to the time they had registered 3,300 or 3,400 votes in the county they had only sworn the colored people, and had not sworn the whites, as to these answers which you have mentioned?—A. Yes, sir.

Q. If a colored man could not swear to his township, section, range, and other questions asked him, what was the consequence?—A. He was not registered.

Q. They refused him registration, did they?—A. Yes, sir.

Q. And they swore no white men at all?—A. They did not.

Q. Up to those last three days?—A. Up to the last three days.

Q. How many white men did they refuse registration to prior to those last three days?—A. I did not see a single man.

Q. How many colored men were refused registration, do you think?—A. I am satisfied there were over a thousand who made application.

Q. Do you know of any more who were disheartened by the result with their friends and neighbors, and who did not apply?—A. There were a great many.

Q. They stood around but did not go in?—A. They did not even go to the polls; there were plenty of them.

Q. That was because so many of them had been refused?—A. Yes, sir; they did not come near at all.

Q. They thought they did not have any chance to get in, did they?—

A. I have talked with hundreds of them since that who did not come at all.

Mr. McCaskill. I object to the witness stating what he heard afterward.

(Objection overruled.)

Q. (By Mr. McKee. When the ballots were brought in finally from all the precincts, was it the duty of the registrars to count, canvass, and announce the result, under the law?—A. It was.

Q. What was the condition of the Bovina beat or precinct?—A. The Bovina box—when we opened it and took out the tally-sheet, there was no name signed to it at all. It was just a blank on the paper, with no name to it at all; no judge, clerk, or anything of the kind.

Q. How did it go politically?—A. Democratic.

Q. What had it been in the years previous?—A. It had always been republican up to 1875.

Q. Did they count the Bovina beat?—A. They did.

Q. What was the Oak Ridge box?—A. It was similar. There were no names on it at all.

Q. And did they count them?—A. They counted them both; yes, sir.

Q. What is the history of the Davis Bend precinct?—A. Davis Bend is all colored. I think something over five hundred votes were cast; they are all colored people, with, I believe, one or two whites—all republicans but one or two. That was not counted through some irregularity, they said. The judge and clerk got on the steamer Katy and were carried by.

Q. Has that been the first time that has occurred under democratic rule?—A. No, sir; the box was thrown in the river last year.

Q. And it has always been a republican box?—A. Only one or two white votes on the island. And it has always five or six hundred republican to two or three white or democratic votes?—A. Yes, sir.

Q. And this is not the first time that has occurred at Davis Bend?—A. No, sir.

Q. And they did not count the Davis Bend box this time, I suppose?—A. Not at all.

Q. Are there any other irregularities which occur to you now?—A. I do not know particularly. The whole thing was irregular to me. It looked so. I had no access to the books, and nothing of the kind. I was not even allowed the privilege of looking at the books, and have not seen them even to-day since they quit registering. I never got a look at the books only when they were registering in the rooms. They took them in their possession and kept them.

Q. You did not have a chance to overhaul them, did you?—A. No, sir.

Q. Under the law did you have the same rights that they had?—A. Yes, sir.

Q. And they kept them?—A. They kept them and have got them in their possession to day. They are not even in the custody of the clerk to-day.

Q. Where are they now?—A. I do not know.

Q. And you never got access to them?—A. No, sir.

Q. They never showed them to you?—A. I was not allowed to look at them at all.

Q. You could not tell what they had put upon them, could you?—A. The supposition is that the chancery clerk is the custodian of the books.

Q. That is the law, is it?—A. Yes, sir. If you will look on page 76, I think it is, you will find that there is a penalty attached to it.

Q. But the clerk has never had the custody of them?—A. No, sir.

Q. And these democratic registrars have just simply kept them?—A. Yes, sir.

Q. Has any republican ever been allowed access to them?—A. Never; not that I know of.

Q. You never could tell what the democrats saw fit to put on those books, could you?—A. No, sir.

Q. Where is the main democratic vote of Warren County located?—A. I suppose it is in the city of Vicksburgh.

Q. What was the accommodation on the last three days which was given for general registration over the county? Give us a history of the last three days there, when these citizens of the county and citizens of the city also come together up there to register?—A. There was a perfect crowd there. They very frequently would put in from ten to fifteen or twenty minutes examining a witness or some one applying for registration, and the detention was just as long as it could be on the part of a witness.

Q. You mean the voters?—A. Yes, sir.

Q. The examination of the voters you refer to?—A. Yes, sir; just as much as possible for them to put in.

Q. In correction of your testimony, you have spoken of examining the witnesses and cross-examining them. You mean the voters, do you not?—A. Yes, sir; I mean voters.

By Mr. McCaskill:

Q. The applicants for registration?—A. Yes, sir; the applicants for registration.

Q. How long have you resided in Vicksburgh?—A. I went to the city of Vicksburgh in 1864, and have been there ever since.

Q. You say you were appointed to fill a vacancy on the board?—A. Yes, sir.

Q. Whose place did you take?—A. J. W. Short.

Q. Were not Messrs. Price and Trowbridge, or one of them, also appointed to fill a vacancy?—A. Yes, sir; Trowbridge was appointed to fill a vacancy. The first time I was on the board he was there; he was appointed the same day I was.

Q. Who was his predecessor?—A. J. Tinney.

Q. When did you state you were appointed to fill this vacancy?—A. On the 25th of September. I will just state that prior to that these two registrars had run the registration up to that time themselves.

Q. Tinney and Price?

By Mr. McKee:

Q. Were they both democrats?—A. Yes, sir; both democrats. They had run the registration up to that time. They had worked there about fifteen days.

By Mr. McCaskill:

Q. Were you with them during those fifteen days?—A. No, sir; I was not with them. I was not with them until the 28th.

Q. I would like you to state how you know they had run it for those fifteen days, if you were not with them?—A. I was not with them, but I was around through the county at different points where they were registering. I was at Newtown, and I was at Red Bone, and I was at Malloy's Store. I was not at Davis Bend with them. I was down there the day that they went over the river.

Q. Were you at those three points you speak of—Red Bone and the other two places—all the time they were there?—A. O, no; not at all; but I was there during a portion of the time. I took no interest at all in the board, but I was there.

Q. Were you present in the room and did you see them registering voters?—A. No, sir.

Q. You were not in there?—A. No, sir; they told me themselves they had done it. Price told me so; Tinney never told me, but Price told me.

Q. Where was the republican member of the board at that time?—A. There was not any.

Q. What did you say this man's name was?—A. J. W. Short. He was not there with them. He resigned the day they commenced registering. He sent in his resignation on Saturday, and they commenced registering on Monday.

Q. You stated that when you went on the board you showed them a letter from Judge Ware?—A. Yes, sir.

Q. He complained of the manner in which the registration had been conducted in that county; and they stated to you they did not care a damn for the Government officials?—A. Yes, sir.

Q. Please state who it was made that statement.—A. Price made this assertion.

Q. You stated also on the direct examination that they refused to let you ask any questions, did you not?—A. Yes, sir.

Q. State who refused. Do you mean the other members of the board?—A. Yes, sir.

Q. Did you ever make any complaints to the State board of registration, or any one else, about it?—A. No, sir. I spoke to Mr. Ware about it. I believe I did write one letter to Mr. Hill about it, but never received any answer.

Q. Was Hill a republican?—A. Yes, sir.

Q. What office does he hold in the State?—A. He is secretary of state.

Q. And by virtue of his office of secretary of state, he is a member of the State board of registration, is he not?—A. Yes, sir.

Q. Did you ever write to Governor Stone about it?—A. No, sir. Ware told me that he spoke to Stone about it, but I never heard anything of it. I heard no report of it.

Q. You stated also that they asked all kinds of questions. Please state what kinds of questions they were.—A. I mean they would put them in various ways.

Q. State some of the questions.—A. The first thing they generally asked them was, where they lived, and they would say in what beat; they would tell them what beat they lived in. Then they would get the beat started regularly for some time. They would first ask them the beat for a certain length of time, and when they would begin to get a little familiar with the beat, and the township and range, then they would change it, and ask them something else, and try to bother them every way they could.

Q. You stated that the proportion, blacks and whites, in the county was not greater than one in twenty-five. You could tell the township, range, and section where they lived?—A. I do not think they could.

Q. Taking blacks and whites together?—A. No, sir; not until they posted themselves. Of course after they found out that they had to post themselves, they went to work and did it. The whites generally could read, and knew it, and the blacks did not; but I doubt even to-

day whether you could go through the county and find over one young man in twenty-five who could tell the township, range, and section in which he did live.

Q. You stated that they swore the colored applicants, but did not swear the whites?—A. Not up until the three last days.

Q. I want to ask you, in connection with that, if the oath itself was not written at the top of each page in your registration-books?—A. Yes, sir; and it had to be administered by the officers, by the board.

Q. I understand that, but did not the whites subscribe to that oath—every man who registered there?—A. They subscribed; yes, sir.

Q. And was there not a column there which stated what township, section, and range these parties lived?—A. Yes, sir.

Q. Did they not fill out all the columns for the whites, and then did not the whites subscribe their names to it?—A. O, yes; but they did not swear with the uplifted hand. I do not think signing a document without being sworn is an affidavit.

Q. That would be a judicial question which it is not for us to decide here.—A. That is my opinion, at least.

Q. You stated that on the last three days the whites were permitted to go in, and you counted at one time 53 whites and two blacks?—A. Fifty-three came into the room, and two out of the 53 were blacks.

Q. How was that? Was any one stationed at the door to let the whites in and keep the blacks out?—A. The two members of the board let them in.

Q. How did they let them in?—A. They went and unlocked the door. There was a spring lock, and they would let them in. They controlled the whole thing themselves.

Q. Did they call out to white men to come in, particularly during this time?—A. No, sir; they had two doors. They let the blacks in at the back door and the whites at the front door.

Q. How many men were registered in 1876 in Warren County?—A. As I told you, I did not have access to the books. The last numbers—the last three days were not numbered. They took them down without numbering them, and I never had access to the books to know how many there were put on them, but I think there were about 3,200 votes registered up to the last three days.

Q. About how many did you register during the three last days?—A. I suppose we registered a thousand votes.

Q. Three thousand three hundred up to that time; and taking the last three days it would make 4,300, would it not?—A. Yes, sir.

Q. How many voters are there in Warren County?—A. In the neighborhood of 6,800, I think.

Q. About 6,800?—A. To the best of my judgment. I cannot get hold of any records to tell.

Q. You stated in your direct examination that there was about that number from the old registration and census?—A. Yes, sir; from the old books as well as I could get hold of them.

Q. Did you have anything to do with making up the State registration books?—A. No, sir.

Q. Do you know whether or not they are correct?—A. I do not. I know nothing about them.

Q. You were not apprehensive to see whether they were correct or not?—A. No, sir.

Q. Do you know whether the population as to the number of voters has changed any since the old registration?—A. I do not think it is less; it may be a little less in the city of Vicksburgh, but in the county I

think it is more. However, I think the decrease in the city is made up in the country.

Q. You stated that you were satisfied that over 1,000 were sent away and not permitted to register, did you not?—A. Yes, sir.

Q. That was the number that you saw yourself go away?—A. Yes, sir; the number I saw myself.

Q. Please give the names of some of those who you say were not permitted to register?—A. I could give the names of over 200, but I did not think to bring them. Henry Morris is one that I recollect. He is in the city of Vicksburgh. There are sundry others. I have got a list of their names, but I did not think it would be required and I have not got it with me. I took the names until I got over 200 names of those who had applied, marked and registered, and I thought it was not necessary to take any more and I stopped.

Q. You think you saw a thousand go away, but you never took over two hundred names?—A. Yes, sir.

Q. And at this time you remember the names of none but Henry Morris?—A. I recollect him particularly. There are plenty of negroes there whose faces I know, but I do not recollect their names. I know plenty of men that I saw make application there that I could go and put my hands on, but I do not recollect their names; but this big Henry Morris I recollect.

Q. You stated that you knew of plenty who did not go to the polls, did you not?—A. Yes, sir.

Q. Did you mean by that that they did not go to the place of registration and register?—A. Yes, sir.

Q. Give us some idea of what you mean by plenty.—A. I should judge that I have talked with over 200.

Q. Is that since or while the registration was going on?—A. Since or during the registration; I was going through the country all the time, and have been ever since, and was going before. I have been riding through the country every day since the last day of August; constantly in the county every day.

Q. You stated that when the Bovina box was brought in there were no names attached to the poll-list?—A. None at all.

Q. Neither of the judges nor of the inspectors?—A. Nor clerks.

Q. Were you permitted to inspect those poll-lists?—A. We examined them partly. They were all three there, and they took them out and examined them.

Q. You were permitted, then, to inspect those?—A. Yes, sir.

Q. What was the number of votes at Bovina?—A. I think it was about 150 majority for the democrats. I have forgotten.

Q. Oak Ridge, you say, was in the same condition?—A. Yes, sir; I think there was in the neighborhood of two hundred and fifty votes in the two polls.

Q. Do you mean votes or majority?—A. I mean majority for the democrats.

Q. You say Davis' Bend was all colored?—A. All but one or two.

Q. And that beat was thrown out?—A. That was thrown out.

Q. You were permitted to inspect that poll-list, were you not?—A. Yes, sir; we did not examine it particularly. They said it was irregular.

Q. State particularly why they said it was irregular.—A. They said that their judges and clerks were not there—the ones they appointed were not there to hold the election. There were other judges and clerks who filled the places, and who were sworn regularly, and their tally-sheet was made out, properly signed, and sworn to.

Q. By the others?—A. By the others

Q. Do you know who these judges and clerks were who made out and swore to the poll-sheets?—A. Ben. Montgomery was the justice who swore them.

Q. Who were the parties sworn?—A. I have forgotten the parties' names now, but Ben. Montgomery was the justice who swore them.

Q. Were you at Davis' Bend during the election of 1875?—A. No, sir.

Q. Did you see that box at any time?—A. I came up on the boat that picked it up in the drift. I saw it open. I was on the boat when they brought it up to Vicksburgh. It was all wet.

Q. Where was it picked up at?—A. In the drift there, in the neighborhood of Newtown.

Q. You have no knowledge of how it got into the river, have you?—A. No, sir; I do not know anything about it.

Q. You stated just now it was thrown into the river.—A. I suppose it was. It was in the river and was got out of the river.

Q. Have you any knowledge about it, or as to who threw it in?—A. No, sir, no knowledge about it.

Q. You do not know whether it was thrown in accidentally, or who did it?—A. No, sir.

Q. You stated, just now, that you had not seen the registration-books since the election, did you not?—A. Yes, sir.

Q. And that you had not been permitted to examine them?—A. Yes, sir.

Q. I will ask you if the law did not require you, with the other members of the county board of registration, to sign those books?—A. No, sir; to sign the tally-sheets.

Q. Do you not have to sign them?—A. No, sir.

Q. Is there any place in the last part of each registration-book where the registrars sign?—A. No, sir.

Q. Then you never signed them?—A. No, sir.

Q. What is there connected with those books to show, if you did not sign them, that they are the registration-books of Warren County?—A. I do not know. There is nothing to show me that there is.

Q. Then you never signed them?—A. No, sir.

Q. And you say they are not in the chancery-clerk's office, do you?—A. No, sir; they are not there at all.

Q. And you asked for them?—A. Yes, sir; I notified the clerk to go and ask for them.

Q. Has the grand jury been sitting since that time?—A. Yes, sir.

Q. Did you report the clerk to the grand jury?—A. I told the clerk that they were not there.

Q. I ask you the question directly, did you report him to the grand jury?—A. No, sir; I did not.

Q. You knew that it was an indictable offense, did you not?—A. Yes, sir.

Q. And you made no complaint to the district attorney or the grand jury that the law was being violated in that respect?—A. No, sir.

Q. You stated that no republican has had access to the books since that time?—A. Not to my knowledge. Three or four republicans asked them—asked for the books.

Q. Who did?—A. Old John T. Rankin and Colonel Pease.

Q. Were you ever present with Mr. Rankin when he asked for them?—A. No, sir, I was not; but he told me. He came to me and asked me about

them. He has come to me I know. He has told me to assist him in any way I could.

Q. You only know that he made application because he told you so?—A. Yes, sir; I know that I made application, and they refused me, and said I should not have access to them. They said they understood that I was summoned here to Washington City, and I should have no access to them at all.

Q. You stated that the main democratic vote of the county is in Vicksburgh, did you not?—A. Yes, sir.

Q. Do you mean by that that the main white vote is in that city?—A. The main white vote is in Vicksburgh.

Q. You designate democrats and republicans there by color, do you? A. By color; yes, sir. I do not think we have got ten colored democrats in the county.

Q. That is your opinion, is it?—A. That is my opinion.

Q. Have you, since the election, made any complaint to Governor Stone, or James Hill, the secretary of state, or any of the members of the State board of registration, as to the manner in which the registration was conducted there?—A. No, sir.

Q. You have made no complaint to any officer whose duty it was to prosecute those parties for malfeasance in office or for neglect of duty, have you?—A. I have talked with Judge Ware about the matter.

Q. Is Judge Ware an officer of the State of Mississippi?—A. I understand that he is assistant prosecuting attorney.

Q. Of the United States court?—A. Yes, sir.

Q. You have never talked with Mr. Booth, the State district attorney, have you?—A. No, sir; the United States court would be the only court that would have anything to do with it; that is my impression.

Q. You were registrar?—A. Yes, sir.

Q. You were one of the registrars of that county, and you were familiar with the law of 1876 under which you acted, were you not?—A. Yes, sir; I suppose so.

Q. Did you not state just now that there was a penalty attached, and that it was an indictable offense under this registration law of 1876 for the chancery clerk to fail to keep those books in his office?—A. Not on the part of the chancery clerk; but to their refusal to deliver them was a penalty. The chancery clerk was the proper custodian of the books.

Mr. McKee. Submit the law; that is the proper evidence.

The Witness. The registrars would have to deliver them to him, and to take a receipt for them. You get the acts of 1876 and look on page 75, article 19, I think it is, and you will find the law, which says who is the proper custodian, and which gives the penalty, &c.

Mr. McCaskill. I will read section nineteen of the registration law of 1876.

The Witness. Not the registration law. I mean the act of 1876.

This is the same section you refer to:

Be it further enacted, That after the county board of registration shall have examined and determined the result of any election, and certified the result thereof as required by law, they shall deliver to the clerk of the chancery court the registration-books and copies thereof, and take his receipt for the same, and said chancery clerk shall be charged with the safe-keeping of such registration-books and copies until required for use by the county board of registration, who shall receipt the chancery clerk for the same; and if any chancery clerk or registrar shall willfully lose, destroy, conceal, deface, or make away with any registration-book or copy thereof, or shall willfully refuse to deliver the same to the officer entitled thereto, he shall be deemed guilty of a felony, and shall be punished by fine not exceeding $5,000, or be imprisoned in the penitentiary not exceeding five years, at the discretion of the court.

That is the section you referred me to.

The WITNESS. Yes, sir.

Q. (By Mr. MCCASKILL.) Then you state to the committee that you know these other two registrars had failed to deliver those books there in accordance with this section of the law, did you?—A. Yes, sir.

Q. And you never reported that to Mr. Booth, the district attorney?—A. No, sir.

Q. You never reported that to the grand jury?—A. No, sir.

Q. You did talk to the chancery clerk about it, however, and applied to him for them, and he stated they had not been there?—A. Yes, sir.

Q. Did you call his attention to the fact that they ought to be there?—A. Yes, sir; I did. I called his attention to the law.

Q. Do you not know that in the Revised Code of 1871 there is a section which requires every State and county officer to report every dereliction of duty of every other officer to the grand jury, under the penalty, if they fail to do so, of being subject to indictment themselves?—A. I do not know the penalty. It is their duty to do so.

Q. Do you not know that the law makes it a special duty of every officer in the county to do that?—A. Look here! you probably do not understand the nature of those people down there as well as I do.

Q. I am asking you a question.—A. You are asking me why I did not do it.

Q. I am asking you if you had done it as an officer.—A. I tell you, if a man does a thing of that kind he is not safe. A man don't dare to do his duty there sometimes as he would do it at other times. That is the answer to that question.

Q. You say you did not make this report to the grand jury because you were afraid. Is that your answer?—A. I cannot say that I was afraid, but I did not want to have any difficulty with them. I cannot say that I am afraid of them, but I do not want to have any trouble.

Q. Has any one ever threatened to molest you there in the performance of your duty as registrar?—A. Not as a registrar; no, sir. A man don't always dare to express himself there. The air is not pure for him sometimes.

Q. Who has ever been injured or hurt for expressing himself there?—A. Here is a gentleman. George B. McKee is one.

Q. When was he hurt or injured there for expressing himself?—A. He was attacked there—it was July, I think, or August, 1875—in the street, with a weapon.

Q. I will ask you, in that connection, if he was not attacked by some raft-men, from up the river somewhere?—A. He was attacked by raft-men.

Q. I will ask you if Colonel McCardle, and other good citizens there, did not reprobate the conduct of those raft-men, and did not go in and protect General McKee?—A. Yes, sir; I will agree with you there, that there are good citizens there, who will come in and protect you or anybody else; but still there are certain men there who will take you when the good citizens are not about. There is a good class of people there, as good as there are in the world, who will protect you just as quick; but there are always ruffians there, who will not protect you, and who will take the advantage and jump on you.

Q. I will ask you if, in your travels, you have not found the classes divided into good and bad, in every country where you have been?—A. Yes, sir.

Q. In what proportion are the bad to the good in Vicksburgh?—A. I

think the most of the people who live there are the better class; but they have been led off by a set of wild, giddy-headed boys there, and they are getting very tired of it now, the better class of citizens are.

Q. Please name those wild, giddy-headed boys.—A. This man Price is one of them. He belongs to that party.

Q. Who else?

Mr. McKee. I have a right just here to say that, knowing that community and that class of people as I do, I object, in behalf of the witness. You have no right to put him in a position in which he will get into trouble.

Mr. McCaskill. Counsel have no right to make objection for a witness. If he is afraid, he can protect himself in that way. If he is afraid to answer it, I will not insist on the question.

Mr. McKee. I wish to let the witness know that he is not bound to answer such questions.

Mr. McCaskill. There is no danger of his criminating himself before a court.

The Witness. There is danger of my criminating myself before them. I can tell a few of them that I do not fear. I say there are a great many there that I think would take advantage of such a thing as that.

Mr. McCaskill. The witness has assailed the community there, and we now desire to know who these men are that he referred to as this bad class of citizens, so that they may be permitted to come here, or somewhere else, and vindicate themselves.

The Witness. I have answered to one, as I told you. You can call on Price, and let him vindicate himself as a member of the board.

By Mr. McCaskill:

Q. State the names of any others who belong to that class of wild, giddy-headed young men.—A. There is a man by the name of Hossley. You can call on him,too. He is indicted now for just such an offense as that.

Q. Are Price and Hossley leading men of Vicksburgh, and do they, to any extent, control public opinion?—A. No; they are not. I do not know that they do control public opinion. But they are what is called that Jackson road crowd, and are looked upon as pretty wild boys.

Q. Please state what you mean by the "Jackson road crowd."—A. Well, it is a crowd that will stay out around the Jackson road, and that are ready for a fight most any time, if it is necessary.

Q. Do they stay there all the time, do you mean?—A. They live there. Yes, sir.

Q. You do not have reference to the difficulty that occurred once on the Jackson road, do you? Do you refer to the crowd that was out there then?—A. No, sir.

Q. Do you say that it is their custom to stay out there as a habit, to wait on that road for a fight?—A. No, sir; they live on that road. They live in that portion of the town.

Q. How large is that Jackson road crowd that you refer to out there?—A. I do not know how many there are. When they want to get up a pretty extensive fight, they can easily raise a hundred, certainly, there.

Q. Do you state to the committee that these men you have mentioned and the others of the Jackson road crowd, or the worst class of citizens, can lead the better class of citizens astray and get up a row whenever they want to?—A. I say they have done it heretofore. They don't do it now.

Q. Then they have, to that extent, controlled public opinion before, in Vicksburgh?—A. To a certain extent, certainly.

Q. To what extent?—A. I cannot tell; to a considerable degree. I don't think it is the case now. I think there is a different feeling. There has a change taken place there now—a very serious change.

Q. What is the difference of feeling between the races there now? You say there is a change for the better, do you?—A. Yes, sir; I think it is very much for the better.

Q. State what the feeling is between the whites and blacks there now. State whether it is good or bad.—A. There is getting to be a better feeling, by far, than there has been heretofore.

Q. When did the change that you refer to begin?—A. It is just beginning to take effect now. There has been a good deal of fuss and commotion and disturbance there in our county for the last two years.

Q. I will ask you if there has not been less there since January, 1876, than there has been in any one year before, for a number of years?

The WITNESS. January, 1876, do you mean?

Mr. MCCASKILL. Yes, sir; since the first of January, has there not been a better feeling, and less disturbance than there has been in any one year for a number of years before?—A. No. Right in the city of Vicksburgh there has, but in the county there has not. There has been a great deal of disturbance in the lower end of the county in the last six months.

Q. Political disturbance?—A. Yes, sir.

Q. Do you know any parties engaged in it?—A. I do not; no, sir.

Q. What portion of that county do you mean? Is it the lower end, the Davis Bend portion?—A. The southern portion of the county, between the Mississippi River and the Big Black.

Q. Have you ever witnessed any of that trouble down there?—A. I was down there one day; I think it was in December.

Q. December last?—A. Yes, sir.

Q. Since the last election?—A. Yes, sir.

Q. What did you see?—A. I saw one armed *posse* which was hunting for a man down there that they said had killed a man at Port Gibson. That was the only party that I ever saw there armed. I met them as I was going along the road.

Q. How many were there in the party?—A. I think there were in the neighborhood of twenty.

Q. Was there any officer with them?—A. I do not know. I did not speak to them. I did not know a man in the party.

Q. They were in pursuit of a refugee, who was charged with having murdered somebody?—A. Yes, sir.

Q. That is the only instance, then, that you have seen?—A. That is all of my own knowledge; yes, sir.

Q. What information have you in regard to these other troubles you speak of?—A. Well, only hearsay.

Q. You do not know, then, really, whether it is so or not?—A. I do not know; no, sir.

Q. You would not swear that is so, would you?—A. No, sir; but I will swear this: that there were negroes run away from there. They claimed so.

Q. What did they claim they had been run away for?—A. I went there and did not find them there. I found them absent, and found the crop, that belonged to the house that I represented, being eaten up by cattle. I was there representing claims for a house in Vicksburgh.

By Mr. McKEE:

Q. Where are the registration-books of 1875? You have stated that the registration-books of 1876 were not in proper custody. Where are those of 1875?—A. I never have seen them.

Q. Are they in the chancery clerk's office?—A. No, sir.

Q. And they are not in legal custody there?—A. No, sir.

Q. In what political custody were they in 1875?—A. Democratic.

Q. And they are not now in legal custody?—A. No, sir.

Q. Is it not a notorious fact that the registration-books are not in legal custody?—A. Not there that I can find.

Q. Do not other people know it just as well as you do?

(Objected to as hearsay by Mr. McCaskill. Objection overruled.)

Q. (By Mr. McKEE.) Is it not likely that the district attorney and the officers of the county would know that to be a notorious fact?—A. The sheriff knows it.

Q. What are his politics?—A. He is a democrat.

Q. And there has been no indictment found through the agency of the sheriff or anybody else, has there?—A. No, sir.

Q. Had there been any indictment found for the non-custody of those books in 1875? I refer to the old books of 1875.—A. None that I have heard of. Nobody has ever been tried.

Q. The county is in the hands of democratic officials, is it not?—A. Yes, sir.

Q. And these registrars were democrats?—A. Yes, sir.

By Mr. FRAZEE, (representing Mr. Mitchell:)

Q. You speak about a certain class of men in the city of Vicksburgh who have been very disorderly, and who belong to the lower strata of society.—A. I do.

Q. Just state to the committee whether or not the democratic press and the character of the democratic speeches have not been such as to arouse that class of society against all republicans.

Mr. McCASKILL. I object to this question. You can bring in the articles in the democratic press.

Mr. McKEE. We intend to do it.

(Objection overruled.)

The WITNESS. The tone of the papers has been encouraging to that class of people.

Q. (By Mr. FRAZEE.) Had not Colonel McCardle, the gentleman you just spoke of, while he was editor of the Vicksburgh Tribune, I believe it is, and the Vicksburgh Herald advised that policy?—A. I do not know.

Q. Was it not his advice which caused that riot or disturbance which occurred in Vicksburgh in 1874 and 1875, when Crosby was ousted rom the office of sheriff?—A. I do not know particularly. I was not paying much attention to politics then. I was not about the sheriff's office a great deal. I was Crosby's deputy after that, but not prior to that.

Q. Did you ever hear any leading democrats make speeches during the canvass of 1875?—A. No, sir; I did not hear a democrat make a speech in 1875; no democrat or republican.

Q. Do you know about that difficulty which occurred in regard to Crosby?—A. Yes, sir; I do.

Q. You spoke about a certain class of democrats and good citizens. Who advised and encouraged the man who ousted Crosby from the office of sheriff?—A. I cannot say.

Q. Do you not know?—A. I do not know.

Q. Do you know anything about it?—A. I do not know particularly,

as I told you, about that. I had not been paying attention to it. I was away in the country. I was Crosby's deputy sheriff after that, but not prior to that. I paid but very little attention to it. I went out after the engagement, after everything was over, and helped pick up the negroes.

Q. Was it not a common expression during that canvass, among the democrats, that they intended to carry the election if they had to wade through blood, &c., to do it?—A. As I told you, I did not pay any attention to the election, and did not hear a speech during the whole campaign.

By Mr. McCaskill:

Q. General McKee asked you what political party had the custody of the registration-books of 1875. I will ask you what political party filled the offices in Warren County in 1875, or prior to the election of 1875?—A. Up to the election of 1875—the sheriff's office was put in the hands of the democrats on the first day of November.

Q. Who was the democrat?—A. What is his name—in Jackson? He was appointed.

Q. Was it Davol?—A. It was Davol.

Q. Did you state that Mr. Davol was a democrat then?—A. I do not know what his politics are, but I generally judge of people by the company and society they keep. The democrats made his bond, and everything of the kind.

Q. Was not Davol clerk in the secretary of state's office, under Mr. Lynch?—A. Yes, sir.

Q. Is he not now clerk in the auditor's office, under Mr. Gibbs?—A. Yes, sir.

Q. And they were both republicans, were they not?—A. Yes, sir.

Mr. McCaskill. That was the company he kept.

The Witness. I beg your pardon. I am speaking of the company about Vicksburgh. We have got a democratic man in our town acting as deputy marshal who votes the straight-out democratic ticket; and you will find that that goes all over the State pretty nearly.

Q. Then you do not know what Mr. Davol's politics were?—A. No, sir.

Q. I will ask you if he was not appointed to the office by Governor Ames?—A. Yes, sir.

Q. Was not Governor Ames a republican?—A. Yes, sir.

Q. Who appointed the registrars in 1875?—A. The judge.

Q. The circuit judge appointed one?—A. Yes, sir.

Q. And the chancery judge one?—A. Yes, sir.

Q. And the sheriff one?—A. Yes, sir.

Q. Who was the circuit judge of that district at that time?—A. Judge Hill was.

Q. Was he the circuit judge?—A. No; Judge Brown was circuit judge.

Q. Were they not both republicans?—A. Brown was. I do not know what Hill was. I do not know where you could find him. He was a man that I could not tell anything about his politics.

Q. Do you not know the fact to be that Chancellor Hill was a prominent member of the republican convention?—A. That is so; but that don't make him a republican.

Q. Is it not a notorious fact that he was a republican?—A. I don't know that he was. I think he was not. If you ask me about my opinion, I consider that he was not a republican.

Q. Was not the county board of registration of 1875 composed of two

republicans and one democrat?—A. It was composed of two democrats and one republican.

Q. Who were they? I speak of the board of 1875.—A. Two of them were democrats. Barbour was a democrat. What is this man's name at Jackson?

By Mr. McKee:

Q. Was it Knadler?—A. Yes, sir; and Pegram. Barbour and Pegram were democrats.

By Mr. McCaskill:

Q. They were appointed by the officers you have mentioned. Were they republicans?—Yes, sir; I think that Pegram was appointed by Davol, after Davol went into office. I am not sure.

Q. Judge Frazee asked you just now if the democratic press of Vicksburgh and the character of the speeches made by democratic orators there were not calculated to arouse bad blood and bad feeling in this lower class of people whom you have mentioned?—A. I said I knew nothing about it.

Q. You afterward stated that you had not heard a speech on either side, did you not?—A. Yes, sir.

Q. And that you did not know what the character of the speeches was?—A. Yes, sir.

Q. You could not pretend to say what the character of the speeches was now, could you?—A. No, sir.

Q. You were asked also by Judge Frazee if the advice of Colonel McCardle did not bring on that riot in 1874?—A. I told you I did not know anything about it.

Q. Have you ever read anything in Colonel McCardle's paper, or have you ever heard him in any speech, advising anything to be done, except in self-defense, in the city of Vicksburgh?—A. I don't know that I ever heard him make a speech. He has had some very ultra articles in his paper; I could not recollect any from memory, though, particularly.

Q. I would like you to answer that question, whether you remember that he ever advised the getting up of a row or riot?—A. No, sir.

Q. You never did?—A. I never did.

Q. Not having heard speeches on either side, then, you do not know?—A. No, sir.

Q. And you would not state whether or not the speeches of republican orators were not calculated to arouse the bad blood of the lower class of negroes?—A. No, sir.

Q. You do not know anything about them on either side?—A. No, sir.

Peter Hurst sworn and examined.

By Mr. Pease, (representing Mr. Teller:)

Question. Where do you live?—Answer. I live in Mississippi.

Q. What county?—A. Jefferson County.

Q. You are a colored man?—A. Yes, sir.

Q. State what you know about any difficulties occurring in Jefferson County during the last presidential canvass. State as concisely as you can what you know, if anything.—A. Yes, sir. What do you want to know?

Q. Any difficulty that occurred down there during the last presidential election.

Mr. McCaskill. Do you refer to political difficulties?

Mr. Pease. Yes, sir.

The Witness. That is just what you want to know?

Mr. Pease. Exactly. Tell your story as concisely as you can.

The Witness. I never went to no speakings but one, and that was at Fayette, when Mr. Lynch was there, and I didn't see any arms; but then I saw a great deal of excitement. There was whooping and hurrahing, and the like of that.

By Mr. Pease:

Q. Who was hurrahing and whooping?—A. It was everybody I thought—the whites.

Q. You saw no arms, you say?—A. No, sir; I never saw any arms. I saw some little boys—they wasn't noticed nohow. I didn't see any grown men have any arms, but I saw boys have arms.

Q. Was there any disturbance there that day?—A. Nothing more than the row they made. They made a great deal of noise in the time he would ask their attention to speak. They would whoop and holler a good deal.

Q. What were these men who were whooping? Were they democrats or republicans?—A. Democrats.

Q. Do you know any other instances of any difficulty there in the county? Did any difficulty occur at the Montgomery place? If so, state what it was.—A. Yes, sir; there was a difficulty on the fourth night of November—on Saturday night. It commenced on Saturday night. They raised a row there, and they said in the morning, on Saturday morning——

By Mr. McCaskill:

Q. Were you there?—A. No. I live on the Pierecfield place, right joining the Montgomery place. This wasn't on the Montgomery place.

By Mr. Pease:

Q. You said "they said;" who said that?—A. The democrats.

Q. Go on, but state it as concisely as you can.—A. On Saturday night there was a democrat man that was shot there by the name of Charley Chester. On Saturday night they said they were hunting for this man, Dave Bingman, which they said shot Charley Chester. Charley Chester was a democrat, a colored man; and on Saturday night they came out to the place, they said, hunting for Dave Bingman, on Doctor Adams's place. That is six miles from Fayette, on Doctor Adams's place; and the colored people had a meeting there that night—this day the whites went out to look for Dave Bingman.

Q. Was this meeting a political meeting, or a religious meeting?—A. O, no; a religious meeting. That night there was shooting taking place; I suppose about nine or ten o'clock in the night; and from that they began then. It raised the whole neighborhood in that shooting.

Q. Who began to raise all this fuss?—A. That was the democrats. That is, if you understand me right.

Q. Explain what you mean.—A. They went on then and took up people from then until next morning at four o'clock, I suppose.

Q. What do you mean by "took up?"—A. Taking them up wherever they could find them.

Q. Arresting them?—A. Arresting them, yes, sir; and then about four o'clock in the morning they came to my house and got me and my son, in the morning, and they said they must arrest me and carry me down to the camp where they were; and I didn't know what they were going to do with me.

Q. State what they did do.—A. I didn't know what they were going to do with me, but they said they would take me on down to the camp, and I went on down to where they said they had fired on Mr. Darden.

Q. What do you mean by a camp?—A. They had a camp down there where they took the people up. When I got there, there was a great many there and a great excitement. I never saw the like in my life, only just in war times.

Q. State what occurred there.—A. Yes, sir. When I got there—soon after that, I suppose about nine o'clock in the morning, I should judge—they began to bring up the people, several of them, and began to ask them who was at the meeting that night. They asked me if I was there. I told them I wasn't. "Was my son there?"—he is nineteen years old. I told them he wasn't. There was several—I suppose some twenty-five or thirty. I had been living there in that neighborhood, and about there, ever since 1869, and they knowed me to be peaceable, I suppose, and they said that they must turn me loose and not interfere with me. That was the democrats said that I had been peaceable, and I had been a good man. Mr. Curley and several of these gentlemen, and Mr. Keese, all said that I was a harmless man, and wasn't to be troubled, and they wasn't making any fuss at that time, but just saying what must be done; and he come to me—says he, "Parson, was you at that meeting last night?" I said, "No, sir; I wasn't there." "Well," he says, "then if you were not there," says he, "I must speak to the captain, and you and your son must go back home"—just so.

Q. Who was the captain?—A. Captain Darden and Captain Davenport. Mr. Davenport came up and talked to me himself, and he asked me——

Q. What were they captains of; were they captains of the company there?—A. I suppose that was the old name; I don't know; but then they called themselves captain at that time—Captain Darden and Captain Davenport.

By Mr. McCaskill:

Q. Was that Captain Put. Darden?—A. I don't know which it is.

Q. Has he long whiskers?—A. Yes, sir; and he said himself to let me go home. After awhile he said, "Let the old man go home, because he was at Fayette three years, and I never knowed any harm in him in my life."

By Mr. Pease:

Q. You need not state that. Go on with your story.

A. After that they began to bring up the men. There was four men they brought up last—I don't know as it makes so much difference about their names—and when they brought them up pretty quick they said they must be carried to the jail to know who shot Mr. Darden that night, and they made answer and said that—I never did hear them say that they were going to kill anybody; I never heard them say that, only they said that these men—there was four of them—must be taken and carried to jail; and soon after that they started with them and said, some of them made answer and says "You must not run. If you run," they says, "you will get shot; but if you don't, we are just going to take you to jail, and let you take your trial at the court-house." So they were gone, I suppose, half an hour or three-quarters, and they came back and they said, "I would take my oath," he says, "that every one of them got away sure enough." Then some of them made answer, he says, "I told you it would be the best to put them together, and then

you could carry them on, and there would be a chance to try on them in jail." And now they say they are all loose now.

Q. Who was that?—A. That was the company, the democrats, if you want me to distinguish who they were. That was what they said. They said that every one of them got loose when they came back again. There was four of them; and then I never seen them any more after that.

Q. Is there anything else that occurred there that you wish to speak about?—A. That was all, pretty well, as I know of.

Q. What became of those men? If you know, state what you know about it.—A. They carried them off and they said they got away. What is to my knowledge to know whether they did or not, I don't know.

Q. Is that all you know about any disturbance there? If you know anything else state it.—A. I believe that is about all.

Q. What were the names of these four men that they arrested?—A. Jack Ingraham, Louis Ingraham, Lewis Morris, and Wiley Nails.

Q. Have those men ever been heard of since?—A. I have learn people say——

Q. Have you any knowledge of it?—A. No, sir; I have none in the world; I have never seen them.

Q. What have you heard people say?

(Objected to by Mr. McCaskill. Objection overruled.)

The WITNESS. Well, some says that they got loose, and some says they were killed, but for a fact for my own self I don't know.

By Mr. PEASE:

Q. Do you know of any other disturbance there during the canvass of last fall? If so, state what it was.—A. That is about all, sir, so far as I know.

By Mr. MCCASKILL:

Q. You are a minister of the gospel, are you not?—A. Yes, sir; I am ordained.

Q. Of what church?—A. Methodist church.

Q. You state that you only went to one speaking during this canvass, and that was at Fayette, do you?—A. Yes, sir.

Q. And you saw nobody armed there?—A. I saw nobody but some boys. Well, now, I am too fast. I think I am. I saw a great many have revolvers, pistols, buckled round them.

Q. You saw pistols, did you?—A. Yes, sir.

Q. Did you see anybody assaulted or beaten there that day?—A. I did not.

Q. Did you see any attempt made to assault or beat anybody?—A. No, sir.

Q. Did you see any weapons drawn on anybody in a rude, angry, or threatening manner?—A. I heard that they threatened, so far as that was concerned. Did you ask me if I heard of anybody being beaten, or anything like that?

Q. No; I ask you what you saw? You are swearing now to what you know yourself, and not to what you heard; and being an honest man and a minister of the Gospel, I want you to distinguish between the two. I do not want anything but what you know yourself.—A. I thought you allowed me awhile ago to tell what I heard.

Q. Answer the question.—A. I never saw it myself.

Q. Did you not see some colored people there with pistols buckled on them?—A. No, sir; not a bit.

Q. You did not see one?—A. That I didn't; not one.

Q. Do not a great many of the colored people in that country usually carry pistols when they can get them?—A. They usually carry them. Ever since the surrender, it has been every man had his own gun, and his own pistol, too, so far as that is concerned.

Q. Both black and white?—A. Yes, sir; so far as that is concerned. But at a public speaking, and anything like that—if you will allow me to tell you, at that time Mr. Howard he advised all the colored people not to bring any arms on that day on the grounds.

Q. Just answer my question. You stated just now, in answer to questions, to Colonel Pease, that there was no disturbance there that day except the noise of hurrahing, whooping, &c.?—A. Yes, sir.

Q. You stated that there was a row raised on the Piercefield place?—A. On the Piercefield. Not exactly on the Piercefield place, but on Doctor Adams's place—joining Piercefield.

Q. Were you there when that row was made?—A. No, sir. I think you misunderstand me—if I was there. I don't live there on that place; but I was carried there the next morning.

Q. You were not present at that time?—A. Not when it was started at the church.

Q. When was this man Chester shot?—A. Saturday morning. That was on the 5th. Saturday morning, in November, and on Saturday night——

Q. Who shot Chester?—A. I don't know. It was laid to Dave Bingman.

Q. Then you say this crowd came there hunting for Bingman, who was charged with having shot Chester?—A. Yes, sir.

Q. And came to Doctor Adams's place?—A. Yes, sir.

Q. Is that where the religious meeting was that you spoke of?—A. Yes, sir.

Q. What shooting was this that you say took place about ten o'clock that night?—A. That was Mr. Darden, a young white gentleman, got shot that night, and it was laid on the colored people.

Q. Was this Mr. Darden who was shot a brother of the Captain Darden you referred to just now?—A. I think he was. I don't know exactly; but he was in the family, I know.

Q. Then Mr. Darden's having been shot that night was the cause of you and those others being arrested that night, an effort being made to find out who had shot Mr. Darden?—A. Yes, sir; and to see who was at the meeting that night.

Q. You were carried down there and a good character proven for you by the democrats, you say?—A. Yes, sir.

Q. And you were discharged?—A. Yes, sir.

Q. There were four men, however, who were arrested on suspicion, and carried to jail?—A. Yes, sir.

Q. And they got away, or something was done with them, and you do not know what?—A. Yes, sir.

Q. State now if you have ever heard of either of these four men being seen or heard of since. I speak of the Ingrahams and Morris and the other man you have mentioned.--A. Yes, sir. Do you want me to tell hearsay now?

Q. Yes; I want you to tell hearsay now.—A. I learn of Louis Ingraham.

Q. Where was he?—A. I don't know where he was. I learn people say they saw him.

Q. Who did you hear say they saw him?—A. I learn some colored

people say so. They said it was in Natchez; but it was reported they had seen of him. I never saw any of them myself.

Q. Did you ever hear of any of the rest of them?—A. No, sir.

Q. You never heard of any but Louis Ingraham?—A. No, sir.

Q. And you don't know of their being killed?—A. No, sir; I don't know.

Q. Did Mr. Darden, who was shot, get well, or did he die?—A. He died.

Q. Did this colored democrat, Chester, get well, or did he die?—A. Yes, sir. He wasn't hurt much the first time.

Q. Was he shot again?—A. No, sir; he wasn't hurt much. I don't know how that anybody should raise a fuss on him anyhow, because he never did have no principle; because he was a mischief-maker, and he was a fusser even before he was there; and I don't suppose now, on that place—I don't suppose there is a man on the place, even Mr. Montgomery, where he lives, would give Charley a good name.

Q. But that did not give anybody a right to shoot him down?—A. No, sir; I didn't say that, but I think he was the father of it, and it is a pity anybody would believe him.

Q. If he fathered it the white democrats didn't have to father it, did they?—A. I say he was the father of the whole of it.

By Mr. PEASE:

Q. Were you there when these parties set out to Fayette with the four men?—A. Yes, sir.

Q. How many men were in charge of those four men?—A. Well, captain, I couldn't tell you exactly, but I suppose there must have been twenty-five or thirty.

Q. Were they armed?—A. Yes, sir; they were armed.

Q. They had only these four men with them?—A. Only them four.

Q. And about twenty-five, you think, were armed?—A. I think so; yes, sir.

By Mr. LYNCH:

Q. Did you attend this meeting at Fayette?

The WITNESS. In the time that you spoke at?

Mr. LYNCH. Yes, sir.

A. Well, it was a little late when I got there, Mr. Lynch.

Q. You didn't see anything that occurred there on that day, did you?—A. As I told you, I saw a good deal of whooping and hollering, and men that had arms, as far as that is concerned, or pistols buckled round them.

Mr. MCCASKILL. I have no objection to that, but it is opening a new matter, and the examination will be prolonged.

Q. (By Mr. LYNCH.) Are the democrats of the county, as a general rule, armed? Do they have armed organizations?

The WITNESS. Does they do it?

Mr. LYNCH. Yes, sir. Have they armed organizations?—A. Yes, sir.

Q. They are all armed, so far as your knowledge is concerned, are they not?—A. So far as I know.

Q. Are the colored people armed as an organization?—A. No, sir; no, sir.

Q. Did you attend many political meetings during the last campaign?—A. The only one was the day you was there. I should have went, but there was always a stretching of a fuss; and I didn't like that, and I didn't go.

Q. What was it that produced this expectation of there being a fuss?

Was it in consequence of the threatening attitude of the democrats, they being armed ?—A. Indeed it was.

Mr. McCaskill. I object to that style of asking questions. You are putting the words into the witness's mouth.

(Objection overruled.)

The Witness. The question had been stated and asked me. I could have answered it before, but I didn't see anything like bringing up something——

By Mr. Lynch:

Q. I only asked you, of your own personal knowledge, if they were not armed. Do you know, of your own personal knowledge, that the democrats of the county are armed ?—A. Yes, sir.

Q. And you know, of your own personal knowledge, that the colored people are not ?—A. No, sir; and I don't suppose they will deny it themselves, being armed. I don't think they will; it is too plain a thing.

By Mr. McCaskill:

Q. How many of those armed organizations did you ever see going about in a body ? Did you ever see them drill or muster ?—A. I never seen them drill.

Q. Did you ever attend one of their meetings ?—A. I never attended but one——

Q. How do you know of your own knowledge that there are armed organizations there ?—A. It is supposed that they meet, and they have invited me out to come and hear them.

Q. To come to those military organizations ?—A. Their speaking. I have seen them with my own eyes. I don't suppose they deny it, neither. I don't think they would.

Q. You have seen them with pistols buckled around them, as you stated just now ?—A. And their guns, too.

Q. How many times did you ever see them, and at what points did you see them ?—A. I saw them at the time I told you, and other times. There was a time there in Fayette that they was expecting——

Q. What time was that ?—A. I disremember exactly.

Q. I thought you stated just now that you only attended one meeting at Fayette ?—A. I told you I only staid at one meeting. The republicans was to have a meeting once, and I know I saw it then, a hanging, so—I don't suppose it is a secret thing, anything as plain as that. I don't suppose they will deny it. I don't want to tell no more than what is so.

Q. Who were the officers in those organizations ? Do you know them ?—A. No more than I have told you—Captain Darden.

Q. You didn't explain to Senator Pease about that. State whether or not Darden was called captain by virtue of the office that he held at that time, or whether it was an old military title that he brought home from the war ?—A. I think I mentioned to the captain that I didn't know whether it was now—whether it was in that time, or whether it was before. I think, though, it is more than likely that he was captain before.

Q. And you do not know the fact that Darden was a captain of a battery during the war ?—A. No, sir; I don't know.

Q. And you do not know whether they were calling him captain on account of that old title, or whether it was an office that he held that day ?—A. No, sir. They have been calling him that ever since I have known him.

Q. He has been called captain ever since you have known him?—A. Yes, sir.

By Mr. PEASE:

Q. Have you been threatened if you came here to give testimony before this committee, by anybody?—A. No, sir; I wasn't threatened. I met Mr. Davenport as I started here. That was in town, and I spoke to him, and I asked him, "Did you understand that I was summoned to Washington City?" He said he was. Said he, "I reckon I knew it before you did." "Well," said I, "I don't know what to do about going." "Well," said he, "why?" I will just tell it like he said. "Well," said I, because I have some property here and my children is here, and I am trying to get more, and I don't know whether you would let me come back or not." Said he, "Yes; you go on and come back again." Him and Mr. Curley was together. Says he, "You have as much right to go and come as Kearns. They are all there. You and Kearns are going together and you can come back;" but, says he, "you can tell what you know; and that you don't know, you needn't tell anything about it."

Mr. PEASE. That is enough. I want you to say whether they made any threats.

The WITNESS. No, sir. He told me to go like a freeman, and come back. That is what he said.

THOMAS W. HUNT sworn and examined.

By Mr. PEASE:

Question. Where do you reside?—Answer. Jefferson County, Mississippi.

Q. How long have you been a resident of that county?—A. From my youth up.

Q. Do you hold any official position in the county?—A. I am superintendent of education of the county, and a trustee of Alcorn University—the State University.

Q. Are you engaged in planting-interests there?—A. Yes, sir.

Q. Did you take any part in the election of 1875 in your county?—A. Yes, sir, I did.

Q. What was the character of that election and the canvass preceding the election?—A. My recollection of it is that in our county——

Q. I have reference only to that county.—A. Yes, sir; there was an election for State senator. There was a division in the republican party upon the question of the nomination of a State senator. A man named McClure, who had formerly held the position, was renominated by the republican party, and upon his renomination there was a split or bolt in the party. There were charges pending against Mr. McClure at the time, and many republicans joined in fighting him. I was one of them.

Q. What was the result of the election in 1875 in that county?—A. The regular nominee of the republican party was elected.

By Mr. MCCASKILL:

Q. Do you mean McClure?—A. McClure.

By Mr. PEASE:

Q. There was no violence, or anything of that sort, in the election of 1875 in your own county, was there?—A. No, sir; none at all.

Q. And the county went republican, I understand you to say?—A. Yes, sir.

Q. Did you take any part in the presidential election and the canvass of 1876?—A. I did, but very little. I will state this, that being superintendent of education, I announced that I did not care to take an active part in the politics of the county, and consequently I made no speeches.

Q. What was the result of the election in 1876 in your county?—A. It was largely democratic.

Q. Do you recollect the majority?—A. I can tell by reference to some notes.

Mr. PEASE. Approximate it. I am not particular about the number.

The WITNESS. I think probably there was in the neighborhood of eight hundred majority, democratic.

Q. Can you give any reasons for the change in the vote in that county?—A. I can by reference to extracts from our local papers, which were published from time to time during the canvass.

Q. State in your own opinion what produced the change in the political sentiment of the people of your county as expressed at the ballot-box last November.

The WITNESS. Do you mean as to the result?

Mr. PEASE. What causes led to or brought about this result.

The WITNESS. To the change in the votes, do you mean?

Mr. PEASE. Yes, sir.

A. I think it was mainly through intimidation.

Q. State the character of the intimidation practiced in your county which produced the result you referred to.—A. There were no meetings allowed to be held in the county, except with the understanding that men from the other side would be present—under the general expectation that where there were two meetings insisted upon in that way there would be a collision.

Q. What was the tone of the press in your county during that canvass?—A. I thought it very violent.

Mr. MCCASKILL. I object to that question.

(Objection overruled.)

Q. (By Mr. PEASE.) State what you know as to the tone and character of the press.—A. I have some extracts here. These are from the two leading papers—I might say the only ones—published in my county. They are both democratic papers. This is from the Fayette Chronicle of July 14.

Mr. MCCASKILL. I object to those, also, on the ground that the papers are not complete, there being only scraps of them; and the same proof should be required before the introduction of them as would be required in court.

(Objection overruled.)

Q. (By Mr. PEASE.) This article that you propose to submit you clipped from that paper, did you?—A. I did.

Q. What paper is it?—A. This is the Fayette Chronicle of July 14.

Q. You may submit that.—A. Shall I read it?

Q. Yes, sir; read it.—A. It is:

The following preamble and resolutions were adopted at the last meeting of the democratic executive committee of Jefferson County:

"Whereas since the acts of Congress reconstructing the Southern States, and the amendments to the Constitution of the United States, the Southern States have been cursed by incompetent and corrupt persons filling the different offices in said States, and whereas this evil might have been avoided in a great measure if the property-holders of the Southern States had not become surety for these parties: Therefore, be it

"*Resolved*, That in future we recommend to the democrats of Jefferson County to abstain from becoming surety for any one who has not enrolled himself as a democrat.

"*Resolved further*, That each democratic club in this county impress this upon their several members, that the evils named in the above preamble may not occur again.

"*Resolved*, That the secretary of this executive committee furnish each club in the county with a copy of the preamble and resolutions with a request that they approve the same.

"GEO. TORREY,
"*Chairman.*

"WM. D. TORREY,
Secretary."

Another is, "The Rads in Council." I will read that:

RADS IN COUNCIL.

On last Saturday about ten o'clock, Caleb Collier, the king of the Bend, marched his cohorts into town headed by that everlasting fife and drum. Upon inquiring we learned it was to be a meeting to indorse the delegates to the Vicksburgh convention selected a few days ago in McClure's back room. The meeting was "largely" attended by about forty of Caleb's satellites from the Bend, and a few old bummers around town, Jim Cessor and Bob Smith, from Rodney. Caleb said indorse, and they indorsed. A few resolutions were read by Mike Howard. McClure, H. B., said vote for them, and they voted for them. The ratification meeting was then ordered by M. Howard to adjourn and organize a mass-meeting, and it was done. And James, of Rodney, arose and orated. Now, Jim has got a good deal of sophistry about him; he knows just how far to go to keep from telling a lie, but leaves the same impression upon the nig's mind as he would have done if he had have lied. Now, we don't say James lied, but he strung together such a tissue of misrepresentations that it took a very acute and sophistical mind to divide the false from the true.

After the *honorable* representative sat down, McClure was loudly called for. Mc. told them the time had not arrived for speeches. Now, we had as well tell the rads right here to stop that McClure business; that McClure has held his last office in Jefferson County. Any legitimate business that he may undertake is all O. K., but no more office for Mc. The boys say so. The boys mean it.

Q. That extract which you have read is from a democratic paper?—A. Yes, sir.

Q. What is the next?—A. The next is from the Standard, which is also published in Fayette.

Q. What is the date of that?—A. This is of August 25.

By Mr. MCCASKILL:

Q. August 25, 1876?—A. 1876; yes, sir.

By Mr. PEASE:

Q. Read the article.—A. It is:

Brother Chronicle, let's take another look at that: If Brutus killed Cæsar, "not that he loved Cæsar less, but Rome more," *slew* his *friend*, whom he *loved*, out of a *stronger* love for his *country*: "*a fortiori*," how hardly shall *McClure* escape, who has neither *friend* nor *love* to act as a check upon the patriot, who not only *lores* his country, but *despises* McClure (politically) *harder* than he *loves* his country? "How is that for high?"

Q. Who was the Mr. McClure who is referred to?—A. Mr. McClure is the gentleman who had formerly run for the senate, and of whom I spoke last.

Q. A republican?—A. He is a republican.

Q. What is the next you have?—A. Here is another one.

RADICAL MEETING.—DEMOCRATIC SPEAKING.

On Saturday, the 19th instant, the radical party of Jefferson County were to have had a mass-meeting in Fayette—speaking, pole-raising, &c. As the day approached, rumors began to fly rapidly through the community that the negroes were all ordered to come to town on that day with arms. Now, who gave them that order is more than we are at present prepared to say, but suspicion points very plainly to one Allen Parker, a negro magistrate in the Dennisville precinct, who has been heard to make on similar occasions speeches of the most incendiary character, breathing all over with a spirit of war between the races. At all events, we heard the report from all directions, and it came in such unquestionable shape that it became to us a sacred duty to ourselves and to our families to make arrangements to meet the issue that they had made. Consequently, on Saturday morning early there

was a gathering of the clans. Every hill and hollow of our old county was represented. Claiborne, too, with the gallant boys from Port Gibson, and the host of unterrified from Brandywine. and the blue-shirts from Flower Hill, all were here, to the number of nearly seven hundred, armed and equipped for any emergency. The radicals decided not to have their meeting and pole-raising. The town was filled with negroes. No hard word or act of violence was offered to them. Everything passed off most pleasantly. About 11 o'clock we turned it into a democratic meeting, and eloquent and patriotic speeches were made by Captain Lewis, General Vertner, and Mr. John Martin, of Claiborne County, and Judge Shackleford, of Fayette. The colored people appeared to be very highly interested and pleased, and after the speaking was over a large number of them joined the democratic party.

This meeting had a good effect in more ways than one. It showed to the white people that but one bugle-blast proclaiming danger, and from every hill-top and verdant valley there sprang into life a determined man, armed and ready for the conflict; and it showed to the negroes that they can't catch the white man napping.

Q. What is the date of that?—A. This is August 25, 1876.

Q. From what paper was it taken?—A. It is from the Chronicle. I will read next an article headed "Minutes of the Greenville democratic club, August 16, 1876."

By Mr. McCaskill:

Q. Are you reading from the same paper?—A. Yes, sir; the same paper and same date.

MINUTES OF THE GREENVILLE DEMOCRATIC CLUB, AUGUST 16, 1876.

Meeting was called to order by the president, (Wm. Thompson,) when the business before the club was as follows:

Moved that the uniform for the club shall consist of pants and shirts, and that white linsey pants and blue flannel shirts with buff trimmings shall be the uniform recognized.

On motion, the president was appointed a committee of one to wait on Messrs. Forman & Tunstall, merchants, and purchase for the 175 yards of blue flannel and 150 yards of white linsey, with trimmings sufficient for the club.

The following members of the club were appointed by the president as a committee on speaking, whose duty it is to attend the meetings of our political enemies for the purpose of correcting all errors and misrepresentations from their speakers. They are instructed to be vigilant, active, and determined; when in the right, to be positive and undaunted.

W. K. Penny, (chairman,) J. O Hammett, Abijah Hunt, J. L. Batchelor, W. J. Powell, C. H. Gates, M. P. McGary, C. B. Scott, R. L. Dobyns, W. J. Gibson, W. L. Harper, and L. H. Brown.

The following committee was selected to procure and have on the grounds a suitable pole by the 14th of September.

Jas. L. Batchelor, (chairman,) Abijah Hunt, L. H. Brown, Albert Arnette, and A. B. Scott.

The following members were appointed a committee of "challengers," whose duty it shall be to attend the polls in Fayette on the 23d inst.: J. O. Hammett, (chairman,) John F. West, and W. J. Powell.

On motion, the accounts for book, badges, flags, &c., be allowed, and an order on treasurer for payment of same.

Moved and seconded that each member pay, on or before next regular meeting, the sum of one dollar in the treasury for contingent expenses.

Motioned to adjourn to meet on Saturday next, the 26th inst.

J. O. HAMMETT, *Sec.*

Q. Have you any others?—A. The next that I will read, in answer to that, is this, from the Fayette Chronicle of September 15:

PATRONIZE YOUR FRIENDS.

We are sorry to see the indifference that is shown by our people in regard to what is their duty in this great and important struggle that is now approaching and will reach its climax on the 7th day of November next. We don't want our readers to misunderstand in this matter, nor do we mean to say that any of the good citizens of Fayette and vicinity ever fail to do their duty when they become convinced what their duty is. But they should consider—look around them and see what they could do, or what they could have undone that would make our party a vote at the next election. In other words, there are "many ways of killing a cat besides drowning it."

Don't the other side do everything they can, and haven't they been for years past using every disreputable means in their power to degrade the respectable people of the county, and to elect to high places men corrupt and dishonest? Now is our time to retaliate—"to fight the devil with fire." A few weeks ago we wrote an article directed to the supply-merchants, (on a future occasion will say more in regard to them.) We now propose to direct this to the citizens of Fayette. Many of us have in our employ servants, gardeners, porters, wagoners, &c., known to be strong republicans. No argument will they listen to, but persistently refuse to go with the white people, thereby becoming our open and avowed enemies. We have friends among the colored people; men who stick to us and vote with us. Give to these men your business; make them your wagoners, your hostlers, your porters, and your gardeners. It may put you to some little trouble and inconvenience at first, but remember this matter not only affects you, but it affects your neighbors and friends. If your employés won't now immediately join the democratic clubs, turn them off; get men that are our friends, and that will act with us. There is no necessity of putting this matter off from day to day; now is the time. Argument fails with them; try their pockets and their stomachs.

We hope we will see some gentleman of our town more patriotic than his neighbors start this matter. Next issue we propose, if no steps are taken in this direction, to call the names of a few colored men of our town who are so completely wrapped up in radicalism as to persistently remain the enemies of the white people, and try if a direct appeal to their employers won't do some good. Those that are not with us are against us. Patronize your friends.

Q. State what the next is, and what paper it is from.—A. The next is cut from the Fayette Chronicle.

Q. Of what date?—A. It is headed November 3, 1876.

DOWN TO BREAD AND MEAT.

It has long been a matter of surprise to outsiders that the intelligent land-owners of this and kindred States should permit themselves to be ridden over rough-shod by the least intelligent and most dependent class of labor in the United States. For years we have allowed our desire for a peaceful living to get the better of our judgment, notwithstanding that the folly of pampering up a species of buzzard, who desire nothing but our carcass to feed upon, has become more and more apparent every day. The offense has at last, however, become so rank we can stand it no longer. The radical Ethiopian must either shed his political and moral skin, or dust out of this. We are determined to have no more of him. His thieving presence stands in the way of a hundred and one industries which the integrity of our county might profitably engage in. He is a hinderance to an intelligent and upright administration of our affairs. He keeps the country in a continual state of turmoil, and is altogether and entirely beyond endurance. He would not be allowed in any northern community to cut up the capers he has been cutting here for the last seven or eight years two successive weeks. Spoiled by the attainment of the dignity of citizenship, he has become worse than useless; he is a positive drawback. Cotton-houses have to be bolted and barred, corn-cribs guarded with rifles, live stock goaded with chain and yoke, while he reclines in delicious laziness, conscious of but one binding duty—"Votin' de right out squar' 'publican ticket."

This sort of conduct must stop, and at once. The merchant says so, and so does the landed capitalist.

The merchants of Fayette have already agreed to take a stand such as is included in the following resolutions of the citizens of district No. 1.

In presenting these resolutions, we would express to our friends of district No. 1 our admiration for their bearing in this matter. To many of them, we have no doubt, this resolve may prove a tempory loss, but in the end it will prove profitable; and they have also the satisfaction of knowing that they have nobly performed a duty to society and earned the gratitude of this community. Three cheers and a tiger, we say, for the merchants and planters of district No. 1.

DISTRICT NO. 1 BRINGS THEIR NOSE TO THE GRINDSTONE.

"At a meeting of the citizens of district No. 1, in the county of Jefferson, on the 31st day of October, 1876, held at Zion Hill, Mr. D. H. Cameron was called to the chair, and Mr. George A. McDonald was appointed secretary.

"After the object of the meeting had been thoroughly explained, the chair appointed L. J. Osborne, H. J. Fairley, A. M. McCallum, J. S. McCormick, W. R. Newman, J. C. Wilkinson, and W. Maddux a committee to draught resolutions expressive of the object of the meeting.

"*Resolved*, That we, in mass-meeting, have unanimously agreed that we will no longer furnish, clothe, feed, hire, or rent to any person who is politically opposed to us, or who will vote against us in the coming election, regardless of race or color.

"*Resolved*, That we are unanimous in discountenancing any person or community who will persist in violating the above resolutions, and we propose it shall not be permitted.

"*Resolved*, That we will lend our aid and encouragement to those who have deserted the enemy's camp and joined our ranks, and persistently solicit all others to join in with us.

"*Resolved*, That these resolutions take effect when present contracts expire.

"D. H. CAMERON.
"S. J. OSBORNE.
"A. M. McCALLUM.
"W. R. NEWMAN.
"J. C WILKINSON.
"W. MADDUX."

Now I will read one headed "Ebenezer Endorses."

Q. Is that from the same paper?—A. Yes, sir; same date and same paper.

EBENEZER ENDORSES.

We were exceedingly gratified on the reception of the following resolution from district No. 2, signed by every property-holder in the district. We would express to Messrs. McDonnell and Johnson, presidents of the Ebenezer and Bethel clubs, the pleasure that we, in common with all citizens, experience from this evidence that the district is bent on a vigorous and telling canvass. A short time ago our correspondent from this district was grumbling at the apathy exhibited by its people. "Ebenezer's blood is now up," and we expect nothing less than an almost solid democratic vote from her. Keep it up, gentlemen. We're everlastingly bound to win:

"At a meeting of the citizens of district No. 2, Ebenezer precinct, it was unanimously—

"*Resolved* That we, the undersigned, heartily endorse and pledge our united support to the resolutions of district No. 1, in mass meeting of the citizens, assembled on the 31st of October, 1876, at Zion Hill.

"R.V. McDonnell, D. H. Montgomery, G. A. Guice, W. J. Guice, J. H. Moore, L. B. Costley, W. M. Shaw, S. W. Darden, James Harley, W. E. McPherson, W. T. Sims, Bolls Johnson, B. F. Hanns, Walter McClure, T. J. Youngblood, George Moore, George Johnson, W. A. Hackler, C. J. Liddell, J. W. Scott, Labe Johnson, W. B. Johnson, C. R. Montgomery, Dave McClure."

That is all of those articles.

Q. Do you know of any meetings held in the county during the last presidential campaign by the candidate for Congress on the republican ticket? If so, state what you know of those meetings.—A. I know that there were meetings held. I never attended any.

Q. Do you know of any efforts being made to prevent Mr. Lynch speaking? If so, state what they were.—A. In the same way; my observation, of course, was confined mainly to my reading of our local papers.

Mr. PEASE. You may present any evidence you have of any attempt made by the press of that county to prevent free discussion.

The WITNESS. Here is an extract from the Fayette Chronicle of October 20th:

John R. Lynch speaks in Fayette on the 28th inst. Men of Jefferson, remember the day—28th inst. Lynch is the leader of the radical party in this district. Lynch is the man that attempts to malign the fair name of the gallant Chalmers. Lynch is the man that attempts by his speeches to raise a race conflict. Remember the day—28th inst.

Q. Who is the Mr. Lynch referred to in that article?—A. He is the nominee of the republican party, or was at that time, for Representative in Congress.

Q. What is his position now?—A. He is now Representative in Congress.

Q. Have you any other articles on that subject that you wish to submit?—A. Here is an extract from the Chronicle of October 27:

We had the pleasure of meeting Hon. John R. Lynch in Rodney on Tuesday last. Mr. Lynch wished to have a quiet discussion of the issues before the people, that day, but our side decided no, and we think they were right. No joint discussion with men of their party.

No affiliation with men who attempt, by every word and act of their lives, to go against every true interest of the people of our country.

Mr. Lynch decided not to make a speech in Fayette on Tuesday last. He is to be in Fayette on Saturday next, for the purpose of addressing his constituents.

By Mr. McCaskill:

Q. Is that which you propose to read, from the Chronicle still?—A. Yes, sir; this is from the Fayette Chronicle of November 30; it is headed, "Last Saturday."

LAST SATURDAY.

Saturday, the 28th inst., was the day that Hon. John Lynch was to have spoken in Fayette, and also, by previous appointment, the democrats were to have a meeting. Early in the morning the crowd began to gather from all directions, and at about 11 o'clock both parties formed their line of march, and, with banners flying, paraded the streets. The crowd finally wound up in front of the colored church, where an improvised stand (a wagon) was used as a rostrum. M. Howard, a deputy United States marshal, who, by the way, was marshal of the day on the republican side, called the meeting to order. At his request Hon. G. W. Shackleford, C. Pintard, R. H. Truly, and our sheriff, J. B. McCormick, were invited to the stand. Before Mr. Lynch was introduced R. H. Truly made a few remarks, and asked the immense crowd to keep quiet and give Mr. Lynch a hearing. So also did Judge Shackleford. Mr. Lynch was then introduced, and the first few remarks of his address were so interesting and put everybody in such tip-top spirits that they began to laugh and applaud in such a heartfelt manner that Mr. Lynch took his seat. He only occupied the stand about ten minutes. Everything passed off quietly, and if Mr. Lynch had persisted, there is no doubt that in a few minutes the exuberance of spirits manifested by his audience would have passed off, and he could have made his little speech. The crowd then adjourned to the democratic stand, and speeches were made by Mr. Pintard, Judge Shackleford, and others, with great effect. The day passed off pleasantly, and was one of the most successful democratic meetings we have had during this canvass.

By Mr. Pease:

Q. What meeting was this? Was it a regular appointment that Mr. Lynch had on that day, or was it a democratic meeting?—A. O, no; it was a regular appointment, I think, announced some time before in the papers for Mr. Lynch.

Mr. McCaskill. I believe the article there stated that by previous appointment the democrats were to have a meeting the same day.

The Witness. Possibly they were. The extract may state that.

Q. (By Mr. Pease.) Will you state whether you know of any armed political organizations in the county of Jefferson; and, if so, state what you know of their proceedings in the late presidential canvass.—A. Well, sir, I know that almost all of the organizations were armed. It is a very common thing for the people to carry arms there. They carry side-arms, and are armed, I think, all of them, so far as I know. Personally I know very little. The most that I know is from these extracts. I ought to have said that during the month of October I was absent from the county.

Q. Have you any evidence of their proceedings from the democratic newspapers published in that county? If so, you may submit them.—A. I think I have already submitted them.

Q. Do you know of any attempts on the part of these clubs to legislate in relation to the regulation of labor?—A. There are resolutions here that I will read in answer to that.

Mr. Pease. You may submit those.

The Witness. The first is headed, "Church Hill."

Q. What paper is that taken from?—A. This is taken from the Fayette Standard of January 5—one of these extracts is, and the other is published in one of the local papers, either the Chronicle or Standard, I don't know which; but it bears upon its face its own date. It is headed, "Church Hill."

Q. You clipped these from the papers published in your county, did you?—A. Yes, sir. This is from either one of those two papers. I think it is from the Chronicle:

CHURCH HILL.

We commend the following resolutions of the Church Hill Club to the consideration of the other clubs in the county. By all means let us, for some time at least, keep up the present perfect organization:

"At a meeting of the Tilden and Hendricks Club, of Church Hill, November 4, 1876, the following resolution was unanimously adopted:

"Whereas the organization of the democratic party of Jefferson is believed to be more perfect to-day than it has been at any previous time in the history of the county; and whereas we deem that the interest of the county requires that the organization shall be continued beyond the campaign in which it had its inception: Therefore,

"*Be it resolved by the democratic Tilden and Hendricks Club, of Church Hill*, That this club continue its existence as at present constituted until it may be considered safe and expedient to dissolve it, and that we earnestly request the other clubs in this county to unite with us in this action, and co-operate with us as heretofore in all matters of general interest.

"J. S. JOHNSTON,
"*President.*

"T. W. BAKER, *Secretary.*"

Q. What is the other one?—A. This is from the Fayette Standard of January 5, 1877. It is headed "To the laborers and lessees of Jefferson County:"

TO THE LABORERS AND LESSEES OF JEFFERSON COUNTY.

It is proper you should know and understand the action lately taken by the Farmers and Citizens' Co-operative Association of the county. Briefly stated, the object of this action is to establish a few necessary rules for governing contracts, regulating labor, insuring order, and affording protection to the property of all classes and all colors. Acting on the principle of self-preservation, without designing to oppress you, our object is to protect all. You have your rights; we acknowledge and respect them. *We* have ours, and you must respect *them*. We do not mean to wrong you, but we mean to prevent you from wronging us. Our measures look to that end and nothing more.

Many colored men—all, indeed, who are owners of property—have an equal interest with us in preventing the destruction of stock and other property. We propose inviting as many of you as we deem honestly inclined to join us in this co-operative movement, and try to put a stop to this destruction. We believe that insufficient fences are the cause of a large proportion of the loss of stock complained of. We believe, furthermore, that good fences, in a great measure, depend on early contracts; in other words, getting to work early in the year. We therefore positively insist on early contracts as the best and only means to carry out a system of fencing which will meet the requirements of the law on the subject of trespass. Our rules require that all premises and buildings occupied by laborers leasing for the year shall be vacated by the 15th day of January every year; and within five days, say by the 20th day of January, all laborers and lessees who have lived in this county the past year must close up and complete their contracts for the current year.

With proper energy and industry on the part of laborers, lawful fences can be made by the 1st day of March. At that time a general inspection of fences will take place, under our rules, by competent committees chosen for the purpose. If fences are not then found in a suitable state of repair, delinquent parties will be warned to put them in repair or be accountable for any damage done to stock, on a plea of a trespass on inclosures.

By mutual understanding and agreement among proprietors, all lands in Jefferson County will hereafter be posted, that is to say, notices will be posted up on every place, forbidding the hunting, shooting, or capturing any kind of game thereon without the owner's consent, and those who neglect such caution will be treated as trespassers and dealt with accordingly. This may seem harsh, but it is the exercise of a lawful right; and, being principally interested to suppress the shooting, killing, and maiming of stock, the prohibition against hunting and shooting game will be rigidly enforced.

If you will unite and co-operate with us in our measures for the public good, you can save your stock and save your crops. You will then be able to make a safe calculation that you can pay your lease, pay your taxes, pay your supplies, and come out square at the end of the year.

We invite honest colored men to come into the association, help us to ferret out stealing, detect crime, and bring the stock-killers and other rascals up before our committees of examination. If you know of crime and don't expose it, by informing on the criminal, you partake of the guilt. Attention will be paid to those who conceal what they know of the unlawful and criminal destruction of stock and other property.

Laborers and lessees in this county, when they leave a place in debt to the employer or lessor, must, before they can find employment with others, be able to show a certificate of some satisfactory settlement, by note or otherwise, of said debt, with said employer or lessor. This is intended to prevent the fraudulent evasion of honest contracts and obligations.

Q. Is this organization referred to in that extract a political organization?—A. I understand it to be.

Q. Do you know of any other attempts to intimidate voters there through the democratic press or by other means? If so, please state them.—A. I do not recollect any others just at the present time.

Q. What was the effect of these editorials that you have read upon the community, so far as you know?

The WITNESS. What do you mean by "upon?"

Mr. PEASE. Upon all classes of people. What effect did it have upon them? Did it conduce to violence or attempts at intimidation, to your knowledge.

A. I think it tended that way, unquestionably.

Q. What effect did it have upon the republican voters in that county, according to your knowledge?—A. I think they were very much alarmed.

By Mr. MCCASKILL:

Q. I will ask you if you were not confirmed as superintendent of education for Jefferson County by the democratic senate in 1876?—A. I was.

Q. And also as trustee of Alcorn University?—A. Yes, sir; I was. I think I was. That is my impression. I know it is true as to one, and I think as to both.

Q. You were appointed, and I know that is so.—A. Yes; I believe I was.

Q. In that connection I will get you to state what was the condition of Alcorn University on the 1st of January, 1876, and prior to that, during the year 1875, under the republican administration.—A. That is a very broad question. I can go into it, but I do not know exactly how to answer it in the way you would like. If you can make your questions shorter, so as to get at what you want——

Q. I want to get at the general condition of the institution. State whether it was in a flourishing condition.—A. No, sir; it was not. It was in a very crippled condition.

Q. Was not that crippled condition owing to the bad management of affairs and the disagreement of the officers of the institution?—A. I think, mainly, it was owing to the disagreement among the officers.

Mr. PEASE. I shall have to object to this matter of the Alcorn University. I do not see any relevancy in your questions about that as to this subject. You have a right to cross-examine him in regard to what he has already testified, but there has been nothing said as to Alcorn University. If there is anything relating to the testimony that he gave I will not object to it.

Mr. MCCASKILL. Mr. Attorney-General Harris stated here the other day that the democratic legislature failed to provide for the public schools in the State. I propose to ask this witness new matter, of course. You asked him whether he was a trustee of Alcorn.

Mr. PEASE. Well, I have no objection, but still it is certainly not regular.

By Mr. MCCASKILL:

Q. I will ask you if that institution is not in a better condition and a more flourishing condition now, under a democratic administration

and under the present management of the officers of the college?—A. That is in contradistinction to the time——

Q. Prior to the 1st of January, 1876. I do not think anything was done there, much, during the year 1876; but I know they did not use the money that was appropriated. I ask you to state the condition of that institution now?—A. The institution is not involved at this time. I do not know to what extent it was involved in 1875, before I became one of the trustees, or whether it was at all. The number of students is very much less now than it was some time prior to my appointment. This is accounted for mainly, I think, by the fact that at that time there were free scholarships. I consider the institution, as far as its financial condition is concerned, as being managed now in the interests strictly of economy.

Q. Was it not also a fact that a great many students left there on account of the difficulty alluded to just now between the managers of the institution?—A. There were difficulties between the professors and managers and all around.

Q. Did not a great many students leave on that account?—A. Yes, sir; I believe so.

Q. You stated that in 1875 there was a split in the republican party in your county?—A. Yes, sir; that is true.

Q. A large number of republicans voted against McClure, the regular nominee, did they not?—A. Yes, sir.

Q. Was the republican ticket successful throughout in your county in 1875; were all the county officers elected republicans, as well as McClure?—A. Yes, sir. Well, of course you know I speak of the county ticket. There may have been, possibly, some little local tickets in some towns that I know nothing about.

Q. Do you not know that McClure was expelled from the senate on account of these same charges which have been referred to?—A. I do not know whether it was on account of that or on account of alleged absence from the senate. I heard of both, but I do not know absolutely.

Q. You state, then, that there was no violence or intimidation in Jefferson County during the campaign of 1875?—A. None worth mentioning; none that I know of.

Q. In the election of 1876 you did not take an active part?—A. No, sir.

Q. And you were absent during the month of October, I believe, you stated?—A. Yes, sir.

Q. Then your information and opinion as to intimidation in that county in 1876 is derived from these extracts which you have read here?—A. Not entirely so; mainly, and from impressions produced after my arrival. I arrived there just before the election. Impressions produced both before and after, I might say.

Q. I will ask you if you know of your own knowledge of any act of intimidation or violence against any voter in Jefferson County?—A. No, sir.

Q. Did you ever see an act of violence committed?—A. No, sir; and I will say in connection with that that it is quite likely I would not have been permitted to see anything of the kind.

Q. Can you give the names of any persons who were maltreated or intimidated in your county?—A. I do not know that I could, unless, perhaps, from hearsay; because I witnessed no maltreatment in my own town, where I vote.

Q. Was the election peaceable and quiet in your town where you voted?—A. Yes, sir; entirely so.

Q. You were asked in regard to meetings being allowed to be held there, and I understood you to say that none were allowed to be held. State your opinion on that subject.—A. I do not think I said that. I do not think that such was my answer. I would like the reporter to please refer back to my answer in regard to that.

Q. I will change that question. Do you know of any meetings being broken up or any prevented from being held?—A. From my own knowledge, I do not.

Q. Then, except from information derived from the tone of the press, and the articles which you have read, you know nothing of your own knowledge as to that?—A. I know nothing of my own knowledge.

Q. Had it been the custom for the white democrats to become sureties for the republican officers?—A. Yes, sir; it had.

Q. Then that resolution which you read here you understood simply to declare that they would stop that?—A. Yes, sir.

Q. They would stop it from that time on?—A. Yes, sir.

Q. They were under no obligation to become sureties for them, were they?—A. Not at all.

Q. You read also an extract with regard to Ex-Senator McClure, stating that there were no more offices for McClure. I will ask you if McClure is not very obnoxious to the good people of that country, both republicans and democrats?—A. No, sir; not to the republicans. I think that there are some republicans.

Q. Did not a large portion of the republicans, you among the number, attempt to defeat him for the senate in 1875?—A. Yes, sir.

Q. On account of these disreputable charges which you say were made against him?—A. Yes, sir; but he was elected notwithstanding.

Q. You read another extract in which it was stated that the negroes had been ordered by some one, whose name I do not remember now, to go to town armed?—A. Yes, sir.

Q. I will ask you if you do not understand, from that extract calling on the white people to go also, that it was intended that they should go to meet any necessity which might arise from the fact that these negroes were going armed? Was not that your understanding?

The WITNESS. Of the extract?

Mr. MCCASKILL. Yes, sir.

A. I suppose so, sir.

Q. You read another extract in which it was stated that committees were to attend all meetings, and, when in the right, they were to be undaunted?—A. Yes, sir.

Q. You did not understand from that that they were to intrude themselves or to wrongfully interfere with any meeting, or anything of that kind, did you?—A. I understand that as the general idea of "giving the lie." That is what I understand about the Mississippi plan that was to be carried out.

Q. You never heard anything of that kind?—A. O, no. As I said before, I was not present at any of the meetings. In that connection I will state that the danger to be apprehended was not in the statement so much of absolute falsehood as the construction by those in attendance upon doubtful subjects, and the lie being given.

Q. Who is the editor of the Chronicle from which you have read?—A. I think that Mr. Truly was the editor. I suppose you want to get who was the editor at that time?

Mr. MCCASKILL. Yes, sir.

The WITNESS. I think he was.

Q. What is Mr. Truly's standing there?—A. Mr. Truly is a very clever man in his way.

Q. Are your personal relations friendly with him?—A. I think so. I know nothing to the contrary. He is what is known as a sport, I believe.

Q. You were speaking of the canvass in which Mr. Lynch was engaged in 1876. I will ask you if a great many leading republicans and republican officials in that district did not support General Chalmers in opposition to Mr. Lynch and vote for him?

The WITNESS. Do you speak now of the county or of the district?

Mr. MCCASKILL. Your county or in the district, of your own knowledge.

A. In regard to my own county, I know of one who was utterly without influence. His name is Kearns; and I know of another one named Millsaps. Do not misunderstand me—I understand you to say leading republicans?

Q. Yes, sir.—A. That was the question, and I might say another man in the same way—another man who was a colored man.

Q. I will ask you if any other republicans, not leading republicans, to any extent voted for General Chalmers in that county, to your knowledge.

The WITNESS. You ask me now whether they voted?

Mr. MCCASKILL. Yes, sir; supported and voted for him.

A. Well, I do not know.

Q. I will ask you if the leading republicans supported Mr. Lynch with much vim and took a very active part in his favor against General Chalmers, yourself among the number?—A. No, sir; because I considered, as far as I was concerned, that it would have been exceedingly distasteful, if not dangerous, to have attempted it.

Q. Explain what you mean by "distasteful?" Do you mean distasteful to you or to the people there?—A. To anybody who would have undertaken to have canvassed in favor of any republican. I will state, in that connection, that my reason for so doing is that leading democrats, Mr. Truly and Mr. Pat Darden, informed me before I left the county that Mr. Lynch would not be permitted to make a speech in the county.

Q. You stated, I believe, that it was common for the people down there to carry arms?—A. Yes, sir.

Q. You mean by that side-arms or pistols, do you not?—A. Yes, sir.

Q. Did you know of any political organizations there, where the people carried to the meetings guns and pistols generally or habitually, in command of officers?—A. I never saw it. I never saw anything of the kind.

Q. In alluding to arms you only meant side-arms, such as pistols, which you say it is usual among the people of that country to carry?—A. No; not only that. I have seen them with side-arms. My understanding is that they have other arms besides these.

Q. You submitted as a part of your testimony an extract with regard to the meeting of the planters and others there for the protection of stock and other things, in which it was stated that persons having an unlawful fence would be held responsible for injury to stock. I will ask you if you did not understand from that article that they would be prosecuted under the laws as they existed for that class of offenses, or did you understand that those people were to take the law into their own hands and inflict the punishment?—A. I can only say this in regard to that: that that article or those resolutions were sent from Church Hill

to the club in my own town, the town of Rodney, and were utterly repudiated by the Rodney club.

Q. Is that club a democratic club that you speak of?—A. I believe that they were adopted by other clubs, however, throughout the county besides the Church Hill club.

Q. Do you know whether any colored people responded to that invitation to join in it?—A. No. I do not know anything more about it than you do, except seeing it in the papers and hearing of it as an outrage in Rodney.

Q. You were asked by Senator Pease as to the effect of the editorials which you have read on the community there. State the extent of your knowledge on that subject.—A. I don't know that I can, because I would have to go into the minds of men. The general impression produced, however, was alarming.

Q. State what information you have as to the general impressions. State whether you mingled generally with the people all over the country and saw them, or anything like a majority of the people, and whether you know the extent of that feeling, and how you know it.—A. Well, sir, I got to Church Hill and Fayette and Rodney, and down to what we call the Bend; and I suppose I circulated through the county as much as almost anybody in it; and these are my impressions derived from mingling with the people in that way. I do not know how better to explain it.

Q. Do you know or do you remember the names of any persons who were so alarmed that they did not vote as they wished to, from the effect of those editorials, or any other cause?

The WITNESS. Who were so alarmed?

Mr. MCCASKILL. Yes, sir, or intimidated so that they did not vote as they desired?

A. I do not know that I can mention any name.

Q. Do you know what vote was polled in Jefferson County in 1875?—A. Yes, sir; Lynch received 1,907, Seal, 693 votes.

By Mr. PEASE:

Q. Who was Lynch?—A. Lynch was the republican candidate for Congress; Seal was the democratic candidate.

By Mr. MCCASKILL:

Q. What was the registered vote of the county?—A. There has been a registration since the election of 1875.

Q. I asked you what the registered vote was in 1875?—A. I cannot tell you. I should suppose, however, about 2,900.

Q. What was the registered vote in 1876?—A. About the same number.

Q. About the same number registered?—A. Yes, sir.

Q. Please give us the vote in 1876, if you have it.—A. The vote in 1876 was Lynch, 420, Chalmers, 1,545.

Q. Do you know of any riot in your county during the campaign of 1876?—A. No, sir; not of my personal knowledge. I have heard of disturbances in the county.

By Mr. PEASE:

Q. You were asked in your cross-examination whether or not there were leading republicans in that congressional district who supported the democratic candidate, and I think you mentioned the name of a Mr. Kearns as one of the republicans?—A. Yes, sir.

Q. Do you know of any reasons which Kearns ever assigned to you

why he supported Mr. Chalmers—or any other prominent republican that you know of in the district? If you do, state what they said.

(Objected to as hearsay by Mr. McCaskill. Objection overruled.)

A. I think the general impression produced upon my mind from the conversation with Kearns was that it was not only to his interest, but that he was afraid not to do so. That was the impression upon my mind.

Q. (By Mr. PEASE.) Do you know a man by the name of Merriman Howard in Jefferson County?—A. I do. He was the former sheriff of the county.

By Mr. MCCASKILL:

Q. A colored man?—A. A colored man.

By Mr. PEASE:

Q. Can you state whether or not there was any violence or intimidation practiced toward him in the late canvass?—A. There was a state of feeling against him that was so bitter that he considered it safe to leave the county.

Q. And he left the county, did he?—A. Yes, sir.

Q. What is Mr. Howard's standing as to his character in that county and community? What has it been heretofore, and what is it now?—A. I have always regarded him as a most excellent colored man—honorable.

Q. You say he was sheriff?—A. Yes, sir.

Q. He transacted the business of his office, did he?—A. With the assistance of the deputy, who was a southern white man.

Q. Was there any complaint made as to his manner of transacting the business?—A. Not at all.

Q. It was honestly and faithfully done, was it?—A. Yes, sir.

Q. Was or was not Mr. Howard regarded, prior to 1876, as rather a conservative republican; that is, he was not extreme in his views, was he?—A. No; I thought not.

Q. That was his general reputation, was it not?—A. I think his tendency was that way. That was my opinion.

Q. What was his general reputation in that regard?—A. I can only state my own opinion.

Q. You do not know?—A. That was the feeling generally on the part of the republicans, and I know of a good many white democrats who thought the same way of him.

Q. Who became his sureties on his bond as sheriff and tax-collector? Do you know the politics of his sureties?—A. Well, I cannot tell exactly, but I think it was the more conservative element.

Q. Do you know of any other instances, further than you have mentioned, of intimidation from any cause? If so, present it.—A. No, sir; I do not know of any further matters of intimidation. I know of the sending of anonymous communications and extracts from papers, and this is a paper that was sent to my wife in my absence.

Q. You may submit it.—A. It is headed "Reaching their black hearts."

Here is a strange paragraph from a speech of Ex-Governor Perry, of South Carolina:

"And here I would appeal to my democratic friends all over the State to stop all social intercourse with any man who is base enough to be a radical. Let him feel by your conduct toward him that the brand of infamy is on him and on his children. This is the only way you can reach his black heart. Let him see that there is a moral pestilence around him, which prevents all social contact with honorable men, and leaves him for patronage and society to his own chosen rogues and plunderers."

Q. You say that was sent to your wife?—A. That was the infamous article that was sent to my wife—anonymously sent. There was a threatening communication sent to me, but I disregard all that.

Q. You can state the purport of any threatening communication you received.—A. O, no, sir; that was personal. It was just a bravado.

Q. State whether or not you ever received any threatening messages.—A. O, I have; that is all I care to say about it.

By Mr. McCaskill:

Q. I will ask you if you know the parties from whom you received the threats?—A. O, of course not.

Q. They were anonymous, were they?—A. They were anonymous. I spoke of them as such.

Q. This paragraph which was sent to your wife purports to be an extract from a speech made by somebody in South Carolina, does it not?—A. Yes, sir.

Q. That was sent to your wife anonymously, you say?—A. Yes, sir.

Q. And you do not know who it was?—A. No, sir; it was sent during my absence.

Q. In regard to the intimidation or violence against Mr. Howard, I wish to know if you know of your own personal knowledge of any such acts?—A. No, sir.

Q. You got that information from others?—A. Yes, sir.

Peter Hurst recalled.

By Mr. Pease:

Question. I desire you to state whether you were present at the house where the wounded man, Mr. Darden, was carried.—Answer. No, sir; I did not go to the house; I lived close by.

Q. Do you know of any dying declarations made by him? If so, state what you know about it.—A. I have understood some, sir.

Q. Do you know anything about it?—A. Yes, sir.

Q. State it.

Mr. McCaskill. Let him state how he understands it. I object to that going in in that loose style.

(Objection overruled.)

The Witness. I should have explained it awhile ago, but you dismissed me.

Mr. Pease. Go on and answer the question.

The Witness. Ed. Fields, a colored man, told me that when this gentleman died, Mr. Darden, he said that he was wounded by his own men.

Q. (By Mr. Pease.) Who was Mr. Fields?—A. A colored man, Ed. Fields.

Q. What relation did he bear to Mr. Darden?—A. None. He was a colored man and Mr. Darden was carried to his house, and he died in his house.

Q. Mr. Fields took care of him, did he?—A. Yes, sir.

Q. Did Mr. Fields tell you that he heard him say that?—A. He did.

Q. Is that all you know about that?—A. Yes, sir; that is all that I know about it. I didn't see him myself, but Darden told me so.

Q. If you know anything more about that transaction tell the whole story. Tell about any transaction now that came under your observation in that county in 1876. If there was any violence of which you can tell I desire to have you state it, and state it just exactly as it is. Were you present at any time when there were men shot in your county?—A. Well, I did not see them shot, but as I told you, that is the same as I

told you, they carried them off and said they were going to carry them to town.

Q. That is all you know, is it?—A. Yes, sir; and then didn't you want to know how many men were gone from that neighborhood?

Mr. PEASE. Yes, you can state that if you desire to?—A. I can call their names.

Q. Give the names of any persons who have left the neighborhood?—A. There is Henry Ingraham, Squire Wade. Them I know of; and Spencer Brown, Louis Wilson, Ross Section, Aleck Section, Wm. Carter, Pleasant Coldenburg, Perten Snyder.

Q. Any others?—A. That is all.

Q. Did these persons that you have mentioned live in the neighborhood where you reside?—A. Yes, sir; right around in the neighborhood.

Q. Were you well acquainted with them?—A. Yes; every one of them.

Q. Do you know where they are?—A. I do not.

Q. When did they leave?—A. They left on the same night.

Q. Do you know whether they have been heard of?—A. I don't know. They never was heard of.

Q. Were they republicans?—A. Yes, sir; every one of them.

Q. They have not been seen there since?—A. No, sir; O, no.

Q. What time was that when they left?—A. It was on the 4th of November; on Saturday night.

Q. Previous to the election?—A. Yes, sir.

By Mr. MCCASKILL:

Q. Was this man Fields that you spoke of, who told you what Mr. Dardin said, a doctor?—A. No, sir; he is a colored man. He was carried to his house. Doctor Richardson attended him; but he was carried to his house after being wounded; he was carried to Ed. Fields's house. He was the closest man.

Q. How long did Mr. Darden live after they carried him there?—A. I think he died Sunday night.

Q. When was he carried there?—A. He was carried there Sunday morning.

Q. And you did not see him and hear him make the statement?—A. I did not.

Q. In fact, you do not know whether he ever did make such a statement of your own knowledge, do you?—A. No more than what this man told me; yes, sir.

By Mr. PEASE:

Q. Mr. Fields was his nurse, was he?—A. Yes, sir; he died in his house.

By Mr. MCCASKILL:

Q. Do you know that fact? Did you see him?—A. O, yes, sir; I know it.

Q. How do you know it?—A. I was passing right there. I lived within half a mile from there.

Q. Did you see Mr. Fields nursing him?—A. I didn't see it. I could have seen it if I went in the house.

Q. Did you see it?—A. No, sir; I didn't look at him. He died on the bed.

Q. Did Mr. Fields tell you that he nursed him?—A. He did; yes, sir. He told me that he did. It was a plain thing, because he was in his house, and he died right there on his bed.

WASHINGTON, *February* 23, 1877.

WILLIAM N. STEWART sworn and examined.

By Mr. BARKSDALE, (representing Mr. Kernan:)

Question. Where do you reside?—Answer. In Jackson, Mississippi.

Q. What is your age?—A. I will be 24 next May.

Q. Have you lived there all your life?—A. Yes, sir.

Q. Do you know James T. Lester?—A. I do.

Q. Mr. Lester made oath that he had delivered to you duplicate keys of the ballot-boxes of the county of Hinds, at the last election in November, 1876. State whether that is a fact or not.—A. No, sir; he did not; he delivered me no keys at all—no duplicate keys whatever.

Q. Did you have any knowledge of any that he did deliver to anybody?—A. None whatever.

Q. Did you hear of the use of duplicate keys by any other party?—A. No, sir; I did not.

By Mr. MCKEE, (representing Mr. Teller:)

Q. To what political organization do you belong?—A. I am a democrat.

Q. Do you belong to any club?—A. No, sir; I do not.

Q. Have you ever done so?—A. In 1875, I was a member of the Capital Democratic Club.

Q. Do you belong to any military organization?—A. I was a member of the Jackson Guards.

Q. What organization was that?—A. It was a military company.

Q. How were you armed?—A. With guns.

Q. Where did you get them?—A. From the State.

Q. Where did you keep them?—A. We kept them in the armory.

Q. What armory?—A. One belonging to the company.

Q. Where was it?—A. It was in the capitol at one time, and then it was removed from there to Robinson & Stephens's building, 'round on a street in front of the city hall; I forget the name of the street.

Q. Where were those guns on election day?—A. I don't know.

Q. Where were you on election day?—A. I was deputy sheriff, at the north poll.

Q. Where were those guns in 1875?—A. I do not know where they were; I had mine at home.

Q. Did not most of the members have theirs at home?—A. No, sir: Mr. Robinson had taken them for rent, and they were in his store.

Q. Did Mr. Robinson have over ten or fifteen muskets left in his store?—A. He did; yes, sir, he had twenty I suppose.

Q. With cartridge-boxes?—A. Yes, sir.

Q. And equipments complete?—A. Yes, sir—no cartridges.

Q. What other arms did the members of this organization have—private arms?—A. I don't know of any.

Q. Did they not all have arms—revolvers, or something of that kind?—A. Not that I know of.

Q. Do you know that generally they did?—A. No, sir; I do not.

Q. Do you not think they did?

Mr. MCCASKILL. I object to what he thinks.

A. I do not know.

Q. Is it not customary for the members of that organization to carry side-arms?—A. No, sir; it is not; I know that I never did.

Q. You know all those young men who belong to it, do you not?—A. Yes, sir; most of them.

Q. Do not every one of them, nearly, have a pistol?—A. Not that I know of.

Q. You do not know whether they do or not?—A. No.

Q. Do you know that they do not?—A. No; I don't know whether they do or do not.

Q. You never carry any side-arms?—A. No, sir; never.

Q. Where were you during the elections of 1875 and 1876?—A. In 1875 I was in Louisville, Kentucky, attending medical lectures.

Q. Where were you in 1876?—A. I was in Jackson, deputy sheriff at the north poll.

Q. Before that time, during the canvass of 1876, where were you?—A. I was in Washington County, agent there for Hamilton & Hebron.

By Mr. BARKSDALE:

Q. The military company that you belonged to was a company authorized by law, was it not?—A. Yes, sir.

Q. By whose order was it organized?—A. By the order of Governor Ames.

Q. You mean Governor Ames, the late republican governor of Mississippi?—A. Yes, sir.

WARREN T. HOLLAND sworn and examined.

By Mr. BARKSDALE:

Question. Where were you born?—Answer. In Jackson, Hinds County, Mississippi.

Q. What is your age?—A. I will be twenty-six on the 19th of next July.

Q. Have you resided there always?—A. I have, sir.

Q. Were you there during the election of 1876?—A. Yes, sir.

Q. Were you there during the canvass of that year?—A. I was, sir.

Q. Did you hold any position as special deputy sheriff, or otherwise?—A. I did, sir.

Q. Do you know Mr. T. J. Lester, one of the registration board?—A. I do.

Q. Mr. Lester has stated before this committee that he delivered to you duplicate keys of the ballot-boxes, to be used in that county. State whether that is true or not.—A. It is false, sir.

Q. He gave you no keys?—A. He gave me four boxes, and four keys, and four locks.

Q. And none others?—A. None others.

Q. Positively and emphatically, none others?—A. None others.

Q. Have you had any conversation with Mr. Lester, on that subject, since you reached this city?—A. Yes, sir.

Q. What did he say to you?—A. He told me that he was very sorry that he had me summoned here, because he was mistaken—that he had not given me the keys, and that he did not remember to whom he did give them.

By Mr. MCCASKILL:

Q. Those boxes, and locks, and keys were given to you as deputy sheriff, to be conveyed to the proper managers of the election?—A. They were, sir; and I delivered them.

By Mr. BARKSDALE:

Q. And you have no knowledge of the use of duplicate keys?—A. None whatever.

Q. You never heard of it until you saw Mr. Lester's statement?—A. No, sir.

By Mr. McKee:

Q. What are your politics?—A. I am a democrat.

Q. What is your position in the democratic organization?—A. At the first session of the legislature I was assistant sergeant-at-arms, and last session I was postmaster of the legislature.

Q. What was your position in the democratic organization, so far as politics were concerned—campaigning and canvassing?

The Witness. What do you mean?

Mr. McKee. Just what I asked.

Mr. Barksdale. Do you want to know what office he held in the democratic organization?

Mr. McKee. Yes.

The Witness. I held none.

Q. Were you not detailed for certain purposes, to do certain things, by the Democratic Young Men's Club of Jackson?—A. I was not, sir.

Mr. McCaskill. Which election do you mean?

Mr. McKee. The election of 1875 or 1876, either.

The Witness. I believe there were one or two of us detailed as challengers, but no others.

By Mr. McKee:

Q. Did you go around through the county during the canvasses—through Hinds and Rankin?—A. Yes, sir; I have been through both of those counties.

Q. On political errands?—A. I cannot say that I did; I have been once or twice through there.

Q. Did you do much else, for about six weeks before the election, than attend to politics for the democracy?—A. I attended to my business.

Q. Did you do much else than attend to politics for the democracy in those two counties—attending meetings?—A. I attended very few meetings; I belonged to the Jackson band there, and went out with them several times to play at meetings.

Q. Were you down at Terry the night that the republican registrar's Snead's) house was fired into?—A. I think I was.

Q. What were you doing down there?—A. I was there as challenger.

Q. But you live in Jackson?—A. I do, sir.

Q. Fourteen miles away?—A. Yes, sir.

Q. Who else went there with you from Jackson?—A. Mr. Lewis and Mr. Harrell.

Q. What do you know about that firing into the republican registrar's house that night?—A. I know nothing of it whatever; I was sick in bed that night.

Q. You do not know who did it?—A. I don't know, sir.

Q. Did you never hear of the North ward box being stuffed?—A. No, sir; I don't think anybody else ever did, either.

Q. What makes you think nobody else ever heard of it?—A. Because I know it was not stuffed.

Q. How do you know it?—A. Because they were honorable gentlemen who had the box in charge.

Q. Were you in charge of the North ward?—A. No.

Q. You were not there when these parties had the box?—A. No.

Q. You did not have control of it?—A. None whatever.

Q. And you know nothing about it?—A. No, sir; I do not, personally.

Q. What kind of a key was it that was delivered by Mr. Lester to you?—A. I cannot exactly say what kind of a key it was.

Q. Would any of the keys open any one of the four locks?—A. I do not know, sir; I did not try them.

Q. Did not try a single key on a single lock?—A. No.

Q. The boxes were given to you empty, were they?—A. Yes, sir.

Q. And you carried off the locks, and the keys, and the boxes?—A. Yes, sir.

Q. And you never knew whether they would unlock a single box or not?—A. No.

Q. You never tried any of them?—A. No.

Q. Did anybody else?—A. No, sir; no one with me. I saw nobody try them.

Q. To whom did you give them?—A. To Saunders. We carried them to the sheriff's office, and the sheriff was not there; and we went round to Robinson's store to have them locked up in the vault, and when we got there we found Mr. Saunders, and he found Mr. Carr and delivered them to Mr. Carr, the deputy sheriff.

Q. You do not know what became of them?—A. No.

Q. How came he to give you those four?—A. We were sent there with the North, South, West, and Tinnin Monument boxes.

Q. Who got the boxes for the lower part of the county?—A. I don't know.

Q. Who made the locks and keys for the lower part of the county?—A. I could not tell you.

Q. Of whom did they get them?—A. I cannot tell you.

Q. What are Mr. Lester's politics?—A. I would not like to say, because I do not know what his politics are.

Q. What has he been?—A. He has pretended to be a democrat.

Q. Who were the other registrars?—A. I declare I don't know their names.

Q. What were their politics; you know that?—A. No, sir.

Q. Were you around at the different registration-places in 1876?

The WITNESS. With Lester?

Mr. MCKEE. With anybody.

A. No, sir; I was not; only at the south-ward registration.

Q. Were you in 1875?—A. I was.

Q. When was Snead's house fired into—in 1875 or 1876?—A. In 1875, I think; I am not certain.

Q. Were you then attending to challenging at registration?—A. I went down there. I did not go there for that purpose.

Q. What purpose did you go there for?—A. I went down because I did not have anything else to do, and I thought I would go down there.

Q. Who else went down there with you?—A. Mr. Lewis and Mr. Harrell.

Q. Did they go for the same reason?—A. I suppose so.

Q. What are the politics of Mr. Lewis and Mr. Harrell?—A. They are both democrats.

Q. Was that the only box you attended?—A. No; I was at Byram.

Q. Who went with you there?—A. Mr. Harrell and Mr. Lewis were there.

Q. Detailed for that purpose?—A. Well, I cannot say that they were.

Q. Do you not think that you were detailed by a resolution of the Young Men's Jackson Club?

Mr. MCCASKILL. I object.

(Objection overruled.)

A. I disremember whether we were or not.

Q. (By Mr. McKee.) You do not know whether you were or not?—A. No, sir; I disremember dates.

Q. Were not details made from that club of young men to go around over the county and electioneer?—A. There might have been, sir, but I don't remember it.

Q. Were you not a prominent member of that club?

The Witness. What club do you mean?

Mr. McKee. The club you belong to—I think it was called the "Young Men's Club."

A. I was.

By Mr. McCaskill:

Q. You were asked if the north-ward box was not stuffed——

Mr. McKee. He was asked if he had heard of the north-ward box being stuffed.

Q. (By Mr. McCaskill.) In reply to that you said that you had not, and that you did not think any one else had, and that you knew it was not stuffed.—A. Yes, sir.

Q. You stated the reason why you knew—because you knew that they were honorable gentlemen who were in charge of it.—A. Yes, sir.

Q. You did not speak of it from your own information?—A. It is only from information that I got from others.

Q. I mean you were not there, and you did not know about it of your own knowledge, but, from the fact that honorable gentlemen were in charge of it, you believe it was not?—A. Yes, sir.

Q. With regard to trying these keys, were they not placed in your hands by the proper officer to be distributed to the different boxes by you, as deputy sheriff, to be delivered to the sheriff to be distributed?—A. They were delivered to me to be delivered to the sheriff, and I delivered them to the sheriff or deputy sheriff.

Q. And you did not try any of the keys?—A. No.

Q. You simply delivered them as they were delivered to you, one lock to each key?—A. Yes, sir.

Q. Were the locks attached to the boxes, or were they padlocks?—A. They were not attached to the boxes.

Q. Were they what are ordinarily called padlocks?—A. Small locks.

Q. Do you know whether or not Snead's house was fired into?—A. I heard it was. I don't know whether it was or not.

Q. You have no knowledge of it?—A. I just heard, next morning, that somebody had shot into Snead's house.

Q. When was that—in 1875?—A. Yes, sir; I think so; I am not certain.

Q. Snead was not registrar in 1875 in that county, was he?—A. I don't think he was; I think Alcorn, Bell, and Simmons were the registrars in that time.

Q. State what the politics of Alcorn, Bell, and Simmons were, if you know.—A. Alcorn and Bell were republicans, and Simmons was a democrat.

By Mr. Barksdale:

Q. You say that Snead's house was fired into, you heard, in 1875, or was it in 1876?—A. 1875, sir.

Q. And that he was not a registrar at that time?—A. No, sir.

Q. And that you were a challenger at Terry in 1875 or 1876?—A. I went down there and acted as challenger in 1875.

Q. When Snead was not a registrar?—A. Bell was one of the registrars; he was the colored registrar on the board.

Q. You spoke of the north ward. Do you remember who were the managers of the election there?—A. Marion Smith was one of them, and Joe Morris was another.

Q. They were democrats, were they?—A. Yes, sir.

Q. Who was the republican?—A. J. Aaron Moore, I believe, was his name.

Q. Is Moore regarded as one of the most intelligent men of his race?—A. Yes, sir.

Q. Was he ever a member of the legislature?—A. He was.

Q. Was he a member of the constitutional convention?—A. I cannot say whether he was or not.

Q. You know that he was a member of the legislature?—A. Yes, sir.

Q. Was Dr. Deason there as one of the inspectors of the election?—A. Yes, sir.

Q. He is a republican?—A. Yes, sir.

Q. Regarded as one of the most active and influential republicans of the State, was he not?—A. Yes, sir.

Q. Very shrewd and observant?—A. Very, indeed.

Q. You state positively that no duplicate keys were delivered to you?—A. None whatever.

Q. And that you never knew of any being delivered until you saw Mr. Lester's testimony?—A. Yes, sir.

Q. And that he has since admitted being entirely mistaken in saying that he delivered the keys to you?—A. Yes, sir.

Q. And that he did not know to whom he delivered them?—A. Yes, sir.

By Mr. McKEE:

Q. Do you know that these honorable men, who, you say, had control of the ballot-box in the north ward of the city of Jackson, retained personal custody of the ballot-box all the time?—A. I know from what they told me.

Q. Do you know that it was in their sight all the time?—A. I think, sir, that they locked it up in the vault of the bank that night, and that some of the republicans were handed the key. I am not certain about that, but I heard that they locked it up in the vault and sealed it, and every man put his name to it.

Q. Who put their names to it?—A. No; it was the west-ward box that had the signatures put on it.

Q. Were those locks ordinary little padlocks?—A. Yes, sir.

Q. You know something about padlocks and keys, do you not?—A. O, yes, sir.

Q. Is it very difficult to get another key to unlock an ordinary little padlock?—A. I don't know whether it is or not; you can get a key to fit most any lock you want to.

Q. Is not a padlock a very simple little lock?—A. Some are and some are not.

Q. An ordinary padlock I speak of?—A. I don't know what you term an ordinary padlock.

Q. Well, such a padlock as these that were used in the election boxes?—A. Those were not ordinary locks.

Q. Describe them.—A. They were brass locks; I could not exactly describe them; they were pretty good brass locks.

Q. What size?—A. Not very large.

Q. An inch across?—A. I suppose they were—a small lock.

Q. And with small keys?—A. Yes, sir.

By Mr. BARKSDALE:

Q. Did Dr. Deason, the republican inspector, say, or did you hear him say, after the election, anything about the election or the management of it, in the north ward?

Mr. MCKEE. I object.

(Question waived.)

JOHN J. WILLIAMS sworn and examined.

By Mr. MCCASKILL:

Question. Where do you live?—Answer. I live in the county of Grenada, Mississippi.

Q. How long have you lived in Mississippi?—A. Ever since 1847.

Q. What have been your political affiliations for the last five years?—A. What part I took in politics up to 1875, I acted with the republican party; in 1875 and 1876 I co-operated with the democracy.

Q. Did you know Mr. Price, formerly of Grenada?—A. Yes, sir; I have known him ever since he became a citizen of our county, some ten or twelve years ago.

Q. Tell all you know about the difficulty that occurred in Grenada, about which Mr. Price has testified here.

The WITNESS. You had better put those difficulties in categorical shape, so that I can take them up separately. I can state something about the meeting that Mr. Chisolm spoke about.

Q. State what you know about it.—A. I really know very little about it personally. I was sick that day, and went up to the meeting twice. It was a meeting in the town of Grenada. It was some few days before the election. There was six or seven hundred people present, I suppose. The colored people largely predominated. There were quite a large number of the colored people, and some white people on horseback, who kicked up a very considerable dust. I had a chill on me, and notwithstanding my desire to hear the parties speak, I was compelled to retire, and saw nothing that occurred, except for a few moments, for I was too sick to be able to stay, and, being physically unable to attend. I went back to the town and saw nothing more of any importance.

Q. Did anybody speak there that day?—A. I cannot say from what I saw or heard. I understood that Mr. Chisolm spoke, though I was not present.

Q. Did you regard Mr. Price in any danger that day, or at any other time?—A. I did not; nor, so far as I individually knew, did I ever believe Mr. Price's life, limb, or property in danger. I have been with him in public meetings, and met him on the streets, and in every social phase of life, and I speak now from what I know. I never saw a time when I thought he was in any danger whatever.

Q. Did you ever see any demonstrations made against him of an unfriendly character, which would warrant you in believing he was in any danger?—A. No, sir; not individually.

Q. Was there an organization there known as the Continentals?—A. Yes, sir.

Q. What kind of an organization was it?—A. It was simply a political club, organized for the purpose of conducting the campaign.

Q. Were not any negroes members of it?—A. I am satisfied there were ten or a dozen; I would not undertake to state the exact number.

Q. It was a purely political organization, you say?—A. As far as I know, it was purely a political organization.

Q. Were you a member of it?—A. I was not, sir.

Q. Do you know how many negroes remained on the grounds after the difficulty you spoke of at the speaking?

The WITNESS. Which speaking do you refer to now?

Mr. MCCASKILL. I refer to the one at which Mr. Chisolm spoke.—A. There was no difficulty on that day that I saw or heard of.

Q. Was there any on any other day?—A. On the election day there was a misunderstanding, that created quite a stampede by the colored people.

By Mr. PEASE:

Q. A misunderstanding, you say?—A. I will state the facts as I witnessed them, from the time I arrived on the ground until its termination. I live four miles west of Grenada. When I arrived in town, it, I think, was between eight and nine o'clock in the morning. There were on the square some six or seven hundred persons of both colors, scattered in various groups and parties, but there was universal good-humor, as far as I could observe, on both sides. This thing continued up to about twelve o'clock. Up to that time I saw nothing whatever that had the slightest tendency to mar the harmony and peace of both parties and races. The negroes seemed to have congregated on the west side of the square, scattered, perhaps, a hundred yards apart, in larger and smaller groups, talking, and some few white men with them. The white men seemed to have consolidated very strongly on the opposite side, on the eastern side of the square. About twelve o'clock, as I suppose, my attention was called to an excitement in front of the polls, of which I did not see the initiatory steps, but nevertheless I knew some disturbance was going on. The first thing I recognized as a difficulty, I saw a very conservative old gentleman of our town holding a man's arm—catching it as it would be brought down like—and he remarked that "We must have no difficulty here to-day"—a man whom Mr. Price knows very well—Mr. Cromwell. The crowd began to gather in and around this point. I did not move my position, and I soon saw a negro emerge from the crowd in rather a stooping position, and, as far as I could understand, it seemed as if the white men were every one trying to protect him. I saw but one man that seemed to pursue him, and he had an ax held in his hand. Every man, as far as I could observe, was endeavoring to impede the progress of this white man, and he seemed to be rather furious and determined in his purpose, and the negro went into a circle, or around among the white people, and every one, so far as I could discover, was endeavoring to protect him from injury; these white men followed until he got, perhaps, two-thirds of the circle, and some one, I don't know whom—it might have been half a dozen—but the first thing I knew he had his pistol out and drawn upon his friends—these white men. He swore that we should not stop him. By this time the negro had got away, and was a long way ahead of his pursuer—if that was the purpose of the man—and was making away from the crowd of white men. He then made for his race, who were on the opposite of the square. I soon lost sight of him as he mixed with them. There was a general hubbub on the square, both of whites and blacks. While standing looking as dispassionately as I was able, I heard in a very clear, sonorous voice the expression, "Fall into line; fall into line;" which was uttered twice, in a very distinct tone. At that, the negroes in front fell back; those in the rear closed up. In a few seconds after that, a young man of our town mounted a box, (I think it was not more than a foot

high,) for he was a very tall man; he seemed exceeding tall on that occasion. He uttered in a voice equally clear, "Continentals, to your post." That instant (I suppose every man wore the uniform, and there may have been a hundred for all I know. I have understood since that there were two hundred that wore that uniform—a little affair that they bought somewhere in the North—a cheap concern) they all broke for a certain house on the eastern side of the square, and in less than two minutes I did not see a man in the square. I still occupied the same position, and a few seconds after, or during the time of this egress of the Continentals, there was a little brass cannon—a six-pound Napoleon, I believe they called it—that they had been firing on several occasions, and jollifying with—this cannon was started off by some person, I don't know whom, and carried in the direction where these Continentals had gone. It had not gone more than half-way from the place where it started, to where it stopped, before some one cried out, "Fill her up with buckshot, and turn her loose," or "let her go," I don't know which; but that was the substance of it. I think, however, that I am right in saying that the expression was, "Fill her up with buckshot and turn her loose." At that the negroes commenced a general stampede; that is, the larger portion of them. Just at that time I looked where the Continentals were going, and I discovered General Walthal at the door with his arms crossed. While the men went in, I discovered no man come out for some time. Not a single individual came out for some space. I saw quite a number go in. I did not hear what he said. There was too much noise and confusion, and perhaps too much distance intervening. But I learned afterwards that General Walthal said to these men that there was no occasion for their guns, and that they should not pass out of that house with their guns unless they passed over his dead body; that he was there for peace, and that he intended to preserve it; that if they had respect for him they would stay there, and that when the necessity really came he would turn them out, but if it was an absolute necessity, he would be with them. After the rendezvous of the Continentals, the excitement subsided so far as the white people was concerned. I soon saw the Continentals come out of the house; most of them were laughing as though they had been laboring under some mistake.

By Mr. McCaskill:

Q. Were they whites or blacks?—A. Whites mostly. I remember some of the persons, not all of them, went over to the negroes who seemed to have stampeded, and many of whom, perhaps, left town, but quite a large number, 200 at least or more, were still gathered together in groups along on the southwestern corner of the square, and made appeals to them to come back—that it was a mere misunderstanding, and that there was no desire to intimidate them or scare them—to come back and vote. I went, myself, and talked to several little groups of from five maybe to twenty, and insisted that they should come back. They seemed really to apprehend that there was some danger. One of them asked me if I would go with them. I told him I would, and that I would assume all the responsibility, if necessary, of going with him. I heard, in the mean time, some one say—some negro—"Never mind," said he, "we are going home; the election won't count nohow." Whether that was a general understanding among them, I have no idea. It was the only time I heard it. I heard it very distinctly, but by whom it was uttered I am unable to say. By aid of the mayor and several other very conservative men, some hundred of

them, more or less, remained on the ground. Several parties got on their horses and rode out where they were on the outskirts of the town, and insisted on their coming back; that there was no disposition on the part of the white people to hurt them at all; that it all originated in a mistake. How many came back I am unable to say, but quite a large number, I know, went home. That affair originated under the circumstances that I have detailed.

Q. This difficulty occurred, you say, by a personal quarrel between these two men, a white man and a negro?—A. Yes, sir.

Q. Then some one said, "Fall in"?—A. I think it originated from one of the colored marshals; I wouldn't swear to it positively, but that was my impression at the moment.

Q. Did the voice come from where the colored people were?—A. It came from there, for I was looking at them.

Q. And it was after that that you heard some one say, "Continentals to your post"?—A. Yes. I suppose a moment afterwards I heard the other voice.

Q. Do you know anything about the row, singing, &c., at the post-office, testified to here by Mr. Price?—A. Yes, sir.

Q. State what you know about that.—A. I happened to be in town on the evening of the occurrence. I cannot locate the very day. I was standing on the southeastern corner of the square when I saw the negroes riding up the road, and recognized one of them when they got up to the crowd. If I am not mistaken the crowd assembled around the bulletin-board. There was considerable excitement among the people there. Without knowing who invited them, the first thing I knew I heard them singing. I suppose I was about 10 feet of them when they commenced and when they closed. It was some revamped old comic song that I hadn't heard for many years, in which the names of Price and Kelly figured, but in language which I supposed would not compromise their honesty or dignity of character. There was nothing vulgar in it—not a single word coming under the common acceptation of the word vulgar. They sang their song there in a crowd of boys and men and finished singing. They were then called on, I suppose—I saw some men beckoning, and I supposed they were beckoning at them—I looked around and saw them in front of the post-office, which was then the northeastern portion of the square—I suppose about 30 feet from the pavement. They sang their song there, and another crowd assembled, and after singing there for some time, 30 or 40 minutes—I didn't go nearer—I still occupied my original position—I saw them moving off in another direction, diagonally across the square, if I mistake not, to the southwestern corner of the square, and the crowd that had gathered there; that is all that I saw in regard to the singing. I did not see them dismount. I did not see them drink, and did not see them use any violence whatever, nor did I hear of any at the time.

Q. And the sentiments of the song were not what you would consider insulting or degrading?—A. Well, no, sir; in political campaigns much worse things happen here on the street about Hayes and Wheeler and Tilden and Hendricks.

Q. State what you know about the insult offered to Mrs. Price there, and testified to by Mr. Price, if you know anything about it.—A. One evening about four o'clock I was in town, just getting ready to go home, and I thought of my mail. I went to the post-office and got a letter, and was reading it. In order to enjoy the light of the sun, I stepped far enough out of the post-office to get the benefit of the light, just on the sill of the door, and was there reading the letter, when I observed

the marshal, Mr. Melton, walk across the square, attended by a young man. I kept on reading until they passed into the post-office. Within a foot or two of them, I heard Mr. Melton ask Mrs. Price if this was the man that cursed her yesterday—I think he said yesterday. She said he was the man. The young man pulled his hat off and, with a very humiliated air, said that if he had cursed her he had no recollection of it, and he begged her ten thousand pardons.

Q. What was the young man's name?—A. Talbott, I believe. I never saw him before and I have never seen him since; that is, to know him. He went on to state to Mrs. Price that he was raised by parents who had always given him precepts of morality, and among those precepts was that he must never swear or insult anybody, especially a lady. He repeated his acknowledgments and apologies. The marshal, Mr. Melton, asked Mrs. Price if she was satisfied, and said if she was not he would take him before the mayor and have him fined, or in default of the money he would be put in jail. Mrs. Price said she had no intention of harming him whatever, and as he had made all acknowledgments and apologies, if his apologies were sincere she could ask no more. Mr. Melton said to the young man that if he was riding he must go immediately home, and even if he was on foot he had better do so; for, said he, "If I see you drinking again I will put you in jail anyhow."

Q. When was that; in 1875 or 1876?—A. In 1876.

Q. State whether you know anything about an assault made by a man named French on Mrs. Price in 1875?—A. No, sir; I personally know nothing of it. I was not even in the town on that day.

Q. State whether you know anything about a fire set to Mr. Price's house.—A. I saw nothing of it until the fire was extinguished, or rather when it was in smoldering embers; I cannot tell you anything about it.

Q. Is there anything else that you desire to state in connection with affairs there?—A. Nothing of any importance. I have stated what I know. As to stating what I believe or think, the committee has neither the time nor disposition to hear, nor have I any disposition to present it.

Q. Did you see any case of violence or intimidation committed on any voter in your county?—A. None, sir; not one, that I remember.

HIRAM JOHNSON sworn and examined.

By Mr. PEASE:

Question. How old are you?—Answer. Seventeen years old the 7th day of next September.

Q. Where do you reside?—A. At Raymond, Hinds County, Mississippi.

Q. Have you lived there all your life?—A. Yes, sir; I was born and raised there.

Q. Please state to the committee whether you know of any violence or intimidation practiced in Hinds County of a political character during the year 1875; if so, state it as concisely as possible.—A. Yes, sir. In the first place, in 1875 I was employed by Colonel Morgan to go to Yazoo City with republican tickets. He gave me two or three thousand republican tickets to carry to Yazoo City. I left on the morning of the first of November, 1875. I got to Yazoo City on Monday evening about three o'clock preceding the day of election. I went to a restaurant, got my dinner, and came out of the restaurant and walked down the street a piece, when I was accosted by a gentleman named Joseph Sublett, a democrat. He told me "How-d'y." He said, "I believe I have seen

you in Jackson." I said, "Yes, I believe I have seen you there." He said, "What are you doing over here?" I said, "I have come here to see some friends of mine here; on a kind of visit." He says, "I will tell you what I believe. I believe Colonel Morgan has sent you here with tickets." I told him, "No, I have no tickets." About that time there were four or five others came up with badges on their coats, marked "Stone's Scouts" or "Dixon's Scouts"—I think it was "Stone's Scouts"—and they gathered all together around me. I then became very much frightened. He said to me, "I believe you have tickets; I must look in your satchel and see." I persisted in saying that I didn't have any, but he told me he had to look in the satchel and see. He told me to come into a tinner's shop there, and I went in. I saw there was no way to get out of it. I had a pair of pants in the satchel over the tickets, and he took them out and says, "O, yes, damn them, here they are, all of them." He got them out and said, "Who sent you with these tickets?" I said, "Colonel Morgan sent me." Well, he says, "By God, he sent you over here to distribute them, didn't he?" I says, "Yes." Well, he says, "We will distribute them for you." He says, "Have you any more?" I told him "No, sir;" but I did have a package in my pocket of tickets that I was to leave at Burtonton and couldn't find any person there to leave them with, and hadn't left them. He searched my pocket, however, and found them. He asked me if I had anything else, and I said "No." He didn't search my inside pockets. I had two or three letters in them, but he took everything else, and gave the satchel back and says, "You are a hell of a fellow, ain't you?" I told him I didn't see why he should do anything to me; that I didn't come over there on account of politics." He says, "Well, you can go ahead, we won't hurt you;" but, he says, "God damn it, I have a good mind to take you out and hang you anyway." There was a colored fellow went over there with me. He went with tickets too, and he stopped in the upper part of the town, and as soon as he took my tickets, I knew from the threats he had made—I thought they would kill him if they knew he had tickets. He stopped at a colored preacher's house, and as I passed I sung out to him, "They have taken my tickets, and you had better make way with yours mighty quick; play off school-teacher or something." He gave them to the wife of the man at whose house he was, and she put them in a bucket as if it was water, and said she threw them down the privy. Me and him then went out along the branch and laid under a fence about two hours, and by sundown came back to town. A white boy met us and says to me, "Damn it, you ought not to have come over with those tickets. They were looking for you this evening to kill you." I told him "I guess they wouldn't do that; that they had said they would not." This colored fellow went and saw the mayor and asked him would he be in danger; that he had no tickets; the mayor told him to go ahead if he had no tickets, that they wouldn't hurt him; somebody stopped him on the street and said, "What are you doing here?" and he says, "I am hunting a school." They said to me, "You come to a darned bad place to find a school." He left me then and I did not see him any more that day.

I went on to the hotel and that evening about dark I was talking to Mr. Sublett, and he says, "What did you bring those tickets over here for?" I told him it was because I was paid for it, and he says, "What are you any way?" I told him I was nothing; I was not of age, but I didn't take part in any politics; he says, "You ought to be a democrat." I says, "Yes, all my sympathies are with the democratic party, but they are not with either one." I told him that because I was

scared. I stopped at the hotel that night and got up next morning and met the lady that owned the hotel, and she said, "They were hunting for you last night;" she says, "If you have any more of Colonel Morgan's tickets don't go up town."

Mr. McCaskill. We object to everything that was said by the lady about such matters.

The Witness. I went to Mr. Morgan's brother the night before and told him what had been done to me, and he gave me another letter back to Colonel Morgan; he says, "You see the situation we are in here."

Mr. McCaskill. I object to what he said.

The Witness. On that evening I was on the street and they had colored men, putting them up on boxes and getting them to make speeches, and cursing Colonel Morgan, and they cursed him to me, and told me to tell him that they cursed him.

Q. (By Mr. Pease.) You say the colored men were cursing him.—A. Yes, but they were evidently intimidated.

By Mr. McCaskill:

Q. How do you know they were intimidated?—A. A colored man told me that he was intimidated; he said he was afraid to open his mouth there. On election morning as I was going out I passed by a livery-stable, and white men were passing by with tickets; a colored man was passing by and they would say, "Don't you want a ticket?" The colored man would say, "No, we don't care for them;" but the white men would say, "O yes, take one and vote it," and they would carry him off to the polls to vote. I got on a wagon and went to Vaughan's Station, where I was to take the train. There was a white man come in at Deasonville and said to the man that was driving the wagon that I was in, "How is the election going?" He says, "It is going all one way." He said, "We offered those negroes tickets here, but they won't look at them."

Mr. McCaskill. I object to that.

The Witness. The white man said, "They have got some sense, and they know mighty well what they are doing."

Q. (By Mr. McCaskill.) Try to give the name of the white man if you can?—A. The man that was in the wagon was named Meade; I don't know the name of the man who came to him.

By Mr. Pease:

Q. Were you born a slave?—A. Yes, sir.

Q. But you pass for a white man?—A. Well, I was born a slave, but I was never in any particular bondage; I was always as free as I am now.

Q. You passed for a free boy?—A. Yes. I was told in Yazoo City that if I had been a negro they would have hung me as high as Haman.

By Mr. McCaskill:

Q. When was this that all this occurred that you have been talking about?—A. In November, 1875.

Q. What was the name of the colored man who was employed to go with you to Yazoo City to carry tickets?—A. I don't know, sir. I know him, but I have forgotten his name.

Q. Do you mean to say that you traveled all the way from Raymond to Yazoo City with him, and did not know his name?—A. I know his name, but I have forgotten it. I knew it then, but I forget it now.

Q. Have you the names of the four other gentlemen who were with Mr. Sublett?—A. No; I don't know them. I only know him, because

he was in Jackson. I saw him there. He had been there a good deal. I worked in the Times office, and he saw me there.

Q. Where is Mr. Sublett now?—A. I heard since that he was killed in Texas.

Q. You told them first that you had no tickets?—A. Yes; I knew their object. I thought I would get off with saying that.

Q. How did you know their object?—A. Mr. Sublett told me his object, and he searched me personally after searching my satchel.

Q. Did you go to the polls the next morning to see any votes being polled?—A. No; I left the next morning as soon as I could.

Q. Then you did not see any votes polled?—A. No. sir.

Q. How did you know they gave negroes tickets?—A. I passed by a livery-stable on my way out of town.

Q. You said they would give them tickets, and take them right up to the poll, and vote them?—A. Yes; they carried them that way.

Q. You do not know where they went to?—A. No.

Q. You never saw a vote polled?—A. No; I went immediately after I got up.

Q. You do not know the name of the white man who came to the wagon at Deasonville?—A. No, sir; I don't know the name of anybody there. It was the first time I was ever in that place in my life.

Q. What was the name of the house you stopped in the night you were there?—A. I do not recollect that. I took no notice of the name. It was a lady that had charge of the house. I don't remember her name.

Q. What was the name of the hotel kept at Vaughan Station?—A. His name was Barkenham.

Q. When did you work in the Times office in Jackson?—A. In 1875 I worked there three weeks.

Q. You saw Mr. Sublett there a good many times?—A. I did in Jackson. He was on the street, and I was on the street a good many times.

Q. What other business did you do in Jackson?—A. I was a page in the legislature.

Q. For what session?—A. The session of 1872 or 1873. I believe it was the called session. It was when my brother, William Johnson, was a member of the legislature. Then I staid there a good deal with him.

Q. Where do you live now?—A. I do not know. I am here now. I live here.

Q. How long have you been here?—A. I have been here about four weeks—three or four.

Q. What I mean by the question is, where is your home?—A. My home is in Raymond, Miss. I have always lived there. I have never lived anywhere else. I have staid a great deal away from there, but that has been my home all my life. I was born and raised there. I would state here that in 1875 our house was searched for my brother, in September.

Q. By whom was it searched?—A. They said it was searched by democrats. They were armed with guns. One was John Kelley; the other was Holliday. There were five of them, if I mistake not. John Kelley and Holliday were two, but I do not know the others. I know them, too, but I don't recollect who they were. I recollect those two persons were.

Q. Was there any officer among them?—A. Yes; Captain Jack Willis was with them. He was deputy sheriff in Raymond at that time.

Q. These men that searched your house then were with Captain Jack Willis, who was deputy sheriff?—A. Yes.

Q. Was not your brother charged with having taken an active part in the Clinton riot?—A. Yes; he was by men——

Q. Never mind. He was charged with taking an active part in the Clinton riot?—A. He was charged with taking an active part in the Clinton riot; but the most of it was he was charged with shooting at Captain White; he was charged that by a democrat.

Q. Captain White was deputy sheriff?—A. Yes.

Q. And came there with a posse of four other men to search the house for your brother?—A. Yes; and he used very obscene and indecent language to my mother and sisters.

Q. They did not find your brother there, did they?—A. No, sir; they did not.

Q. Has you brother lived in that country since?—A. He is living in Jackson. He lived in Jackson until February, 1876, when he came here.

Q. He has not lived there since?—A. No, sir.

Q. How old did you say you were?—A. I will be seventeen years old the 7th day of next September.

Q. How old were you in 1875, when you carried those tickets?—A. I was about fifteen years old, sir.

By Mr. SINGLETON:

Q. You were hired to go over there, were you?—A. Yes, sir; I was employed by Colonel Morgan.

Q. What did he pay you?—A. He gave me fifteen dollars to pay my expenses. My expenses were not so much as that, because I came back earlier than I expected, and I kept the balance over my expenses; and he also gave me five dollars.

Q. You took a darkey over with you, did you?—A. No, sir; I did not take him; we went together; he sent him.

Q. And when you got there and were asked about the tickets, you told what was not true?—A. Yes; because I was scared.

Q. How many more falsehoods did you tell while you were there about this matter?—A. I didn't tell any at all. I had no occasion to tell any.

Q. Did you not say a while ago that you had told them that you sympathized with the democratic party?—A. Yes; I told them that; and I said the reason I told them that was because I was scared.

Q. But it was not so; your sympathies were not with the democratic party?—A. No, sir.

Q. So, that was two falsehoods you told?—A. Well, yes; if you call them falsehoods.

A. Are you a white boy?—A. About three-quarters. I was born a slave.

Q. You are very bitter against the democratic party, are you not?—A. No, sir.

Q. Do you love the democratic party?—A. I don't know anything about party much; I am no politician. There are a good many people belonging to it that are gentlemen; so I like them.

Q. Has your brother been a republican politician?—A. Yes.

Q. And all your family have been republicans?—A. Yes.

Q. And still you have very good feeling for the democratic party?—A. I have very good feeling for some of the men that belong to it, because I believe they are gentlemen, and I like them. They are friends of mine.

Q. Now, you say you had some tickets for Burtonton, and went by Burtonton and found nobody there?—A. Yes; I did expect somebody. I had one package that I put in my pocket for one man that lived six miles in the country, but things looked so bitter there that I went right on.

Q. Where is Burtonton?—A. This side of Yazoo City. We came from Burtonton to Yazoo City.

Q. Do you pretend to say it was a place called Burtonton in Yazoo County?—A. I may have forgotten the name; I think it is called Burtonton.

Q. Do you not know that Burtonton is in Copiah County?—A. This is called Burtonton, or some such name as that; I ain't certain about the name, but I know that is the place.

Q. You state now that there is a Burtonton in Yazoo County, and that you tried to leave tickets there?—A. I don't know whether it is Burtonton or not.

Q. Why did you state that you went to Burtonton if you don't know it?—A. I call it Burtonton because I thought that was the name. It is between Deasonville and Yazoo City.

Q. Are you guessing?—A. No, sir; I ain't guessing. There is a place, a station, between Yazoo City and Deasonville.

Q. You say Mr. Sublett came to you. What sort of a looking man is he?—A. He is a man of common height, I believe, with a red face. I don't think he has any whiskers or moustaches—a kind of a clean-faced man, I believe.

Q. Do you know where he is now?—A. I heard since that he was killed. I don't know.

Q. Mr. Sublett, then, is dead?—A. I don't know, sir. I don't pretend to say that he is. I simply heard that.

Q. Who else did you see over there who said anything to you about this matter whose name you can give? I want to know something about it.—A. I can only give his name. I cannot give the others. I saw him in Jackson, and he told me his name was Sublett. I knew him by his face, because I had seen him in Jackson.

Q. Did you live in Jackson?—A. I lived in Jackson a great deal. I was there several times while my brother was a member of the legislature.

Q. Several times?—A. I stopped there three or four months at a time, and after the riot I staid there more than I did at home. My brother was there, and I staid there with him.

Q. Did Mr. Sublett live in Jackson?—A. He lived in Yazoo City.

Q. Was he a member of the legislature?—A. No; not that I know of.

Q. Mr. Sublett is dead, however?—A. I have told you I don't know, sir. I simply heard that he was dead.

Q. That is the only man that you can name now that you saw?—A. Yes; he is the only man that I can call by name.

Q. How long did you stay there?—A. I got there one evening, and left the next morning. I had never been there before in my life.

Q. Did you go in there in the day-time?—A. Yes.

Q. How?—A. I left at 3 o'clock in the morning from Jackson, and got to Vaughan's Station a little before daylight, and got to Yazoo City between 2 and 3 o'clock.

Q. And yet you cannot name anybody that you saw there except Sublett?—A. No; because I was never there before in my life, and knew nobody there.

Q. And he is dead?—A. I don't insist that he is dead at all. I heard that he was dead. I don't know anything about it.

Q. Who was the colored man that told you he had been intimidated?—A. I did not know him, sir.

Q. You didn't know his name?—A. No.

Q. And you do not know the name of anybody there that you saw, except Sublett?—A. No, sir. If they told me their names, I don't recollect them. I knew nobody there at all.

Q. You do not know the name of anybody that talked to you about bringing tickets over?—A. I know the name of nobody only old man Burkenham, at Vaughan's Station, or Burtonham, or some such name as that.

Q. Did he say anything to you about this matter?—A. No, sir; only when I came back he just asked me if I had got the tickets, or something like that.

Q. Did you tell him that you had tickets, and went on?—A. No, sir; I did not.

Q. How did he know that you had tickets?—A. That is what I wanted to know myself, how they knew. By the time I got out of the restaurant somebody was around me. I had not spoken to anybody there.

Q. You must have presented rather a suspicious appearance?—A. Well, they must have been very suspicious there about that time.

Q. They did not like your looks, I presume?—A. I don't know about that. Sublett knew my looks. He had seen me in Jackson, or said so.

Q. Do you not know that the tickets you took over were tickets intended for candidates that Colonel Morgan himself had brought out?—A. Yes; they were republican candidates.

Q. Do you not know that the names on those tickets were of parties whom Colonel Morgan had brought out in Jackson, and who had disclaimed that they were candidates for any offices, or that these men had not allowed their names to be used on the ticket?—A. I don't know that. Mr. Sublett told me afterwards.

Q. Do you know that there was any republican ticket there at all?—A. I don't know anything about it. He said he wanted to send some republican tickets there. Money was my object, not politics.

Q. How do you come to be here?—A. My brother lives here, sir, and he sent for me, I expect, to send me over to Ohio to school.

Q. And he sent for you to come here first in order that you might unburden yourself?—A. Well, he sent me word to come here. My brother, I will state, has been a guardian of mine.

Mr. SINGLETON. Yes; and your brother has been guardian of many other things that he had better let alone.

The WITNESS. I was summoned to come here when I got here.

Q. So you came here of your own accord?—A. I came here by my brother's accord. He sent for me. I didn't come for that purpose, but I was summoned after I got here.

Q. You came here to be summoned?—A. I did not come for that purpose; I came here to be with my brother.

Q. Are you going to stay here?

Mr. MCKEE. We object to that. Please state what you want to prove by it.

Mr. SINGLETON. I am going to conduct my examination in my own way, because I think I know what I am doing. (To the witness.) Do you expect to stay here?—A. No, sir; I don't expect to stay here very long; I expect to go to Oberlin, Ohio, to school; that was the purpose of my brother in sending for me here.

By Mr. SINGLETON:

Q. Has your brother got an office here?—A. He has no office particular. He works in the Government Printing Office.

Q. Well, he is being paid by the Government?—A. I don't know, sir; I don't know where his money comes from.

Q. If he is in the Government Printing Office is not he paid by the Government for his work?—A. I don't know, sir; I don't know anything about office.

Q. What did you say that you did with the balance of the tickets that you had?—A. I did not have any balance; they took every one of them they could find.

Q. I thought you said you gave some to a woman to put away?—A. That was the school-teacher. I had a package for a man that lived in the country, that Colonel Morgan told me to leave, about those schools in the country.

Q. Who was that man?—A. I don't know; I have forgotten his name. He was a preacher, if I remember right. I had a letter to him, too, but I can't remember his name. I never knew the man at all, and never heard his name, except seeing it on that note.

Q. What was the colored man's name that went with you?—A. I don't remember his name.

Q. You traveled all the way from Raymond, in Hinds County, with tickets with this man?—A. No, sir; I was staying in Jackson at the time.

Q. Well, from Jackson, then, with this man, and you do not know what his name was?—A. I did know at the time. Colonel Morgan says, "Here is a man that is going, too." I knew the man's name then; I never knew it before, but I knew his name then, though I have forgotten it now; it is over a year ago.

Q. Was he a black man or a mulatto?—A. He was a colored man.

Q. I ask whether he was a dark man or a mulatto?—A. He was a dark man.

Q. Where does he live?—A. I don't know that, even. He was staying in Jackson. He was a lieutenant of the militia in Jackson.

Q. What did he come over there for?—A. With tickets.

Q. Did he have any tickets in his possession?—A. Yes.

Q. Who gave them to him?—A. Colonel Morgan.

Q. What did he do with these tickets?—A. When I went up and told him that they had taken my tickets he gave them to the wife of a colored man at whose house he was staying, and this woman took them in a bucket like she was going to the well, and she says she threw them in the privy.

Q. And that was at Burtonton?—A. No, sir; that was at Yazoo City.

Q. You went out and lay under a fence, you and he?—A. Yes; about a couple of hours.

Q. Whereabouts; do you know?—A. We went down there back of the hollows.

Q. In what direction from the city?—A. Toward the way we come in, off the road.

Q. Did you go from Vaughan's Station to Yazoo City?—A. Yes, sir; and went back the same way.

Q. To hunt for a fence?—A. No, sir; not to hunt for any fence.

Q. When you found the fence you say you went and lay under it?—A. This man's house that this colored man was at was right at the end of the town.

Q. And as you went down to hunt for the fence you went down the hill?—A. We went down and went to a ditch. There was no water in it. We got by the ditch and lay under a fence and staid there two hours, I guess.

Q. Why did you leave Yazoo City then?—A. We were contemplating that, but there were so many people passing backwards and forwards we were scared to undertake it, and both of us thought it better not to start that night. I said I would go back and risk it, because they promised not to hurt me.

Q. You were willing to go back where the danger was?—A. It was dangerous either way, and I thought I would go where they had promised they would not hurt me. I didn't think that anybody knew my purpose. I never told anybody.

Q. You thought it was dangerous to go the road then, but still you went that way the next day in an open wagon?—A. Yes; it was twenty-five miles.

Q. And it was dangerous, but still you took it in an open wagon?—A. There was no danger in it. I thought that if I could get to Vaughan's Station I was all right, because nobody knew my mission there.

Q. But as you went back you went in an open wagon?—A. Yes. The stage did not leave until eleven o'clock, and the wagon was the first thing that came along. I walked two miles from town.

Q. But the day before it was so terribly dangerous, I understood you, that you were afraid to try it?—A. I didn't say that, sir.

Q. I thought you said you were afraid to leave?—A. I said I was afraid to leave that night. I thought I had better stay that night. I didn't want to walk back to Vaughan's Station, for it was nearly sundown then.

Q. Then it was because it was late that you did not go, and not because it was dangerous?—A. It was because of neither one, sir.

Q. I thought you said it was because it was dangerous?—A. I said it was dangerous both ways.

Q. But you went back to Yazoo City?—A. There was not much back to go.

Q. You were out of the city, and you went back into it?—A. We were down in the hollows then. We could see men away upon the hill, riding backwards and forwards, and I thought it better to go back for that night.

Q. Did you think you deserved any ill-treatment?—A. I thought not. I didn't know that it was a crime in this country to carry republican tickets, or any other kind of tickets.

Q. Did you ever have anything to do with politics in Yazoo County?—A. No, sir.

Q. Did you not know that Colonel Morgan had left there, and that the colored people were cursing him?—A. Well, I did not know.

Q. Do you not know that the colored people were cursing him there?—A. Yes; on the streets up in Yazoo City.

Q. On boxes?—A. Yes.

Q. What did they say about him?—A. I don't remember; I don't know.

Q. Did they call him a traitor?—A. I don't know whether they did or not; I do not know whether they had sense enough to use such a word.

Q. Were they violent?—A. Yes, sir; there were a great many on boxes.

Q. And you tried to give them your tickets?—A. No, sir; I never tried to do anything of the sort.

Q. Did you see any tickets offered to them?—A. The democrats did not offer them; they just gave them to them, and they said, "Let's come up and vote."

Q. You did see the tickets offered to them?—A. Yes; that was the next morning. They were that kind of tickets, however.

Q. And they took them and went up and voted?—A. I do not know what they did with them. They went on with the colored people.

Q. Did they seem to be intimidated at all, or did they just go along about their business?—A. There seemed to be intimidation there. One colored man told me the situation of affairs——

Q. (Interposing.) I want you to tell me who was intimidated, and what acts you saw of intimidation.—A. I saw no acts.

Q. You know nothing?—A. Only what they told me.

Q. Who told you?—A. Only what they told me—the democrats.

Q. Did not you say you heard the negroes cursing Colonel Morgan on the box?—A. That was the colored people; but democrats cursed him to me, and told me to tell him.

Q. Did you think it somewhat stranger that white people should curse him than that the colored people should?—A. No; I did not think much about it, to tell the truth; I was thinking about getting away from there.

Q. Did you leave any tickets anywhere?—A. I left some with that school-teacher at Burtonton, or wherever it was.

Q. Did you leave any anywhere else? Did you try to give any out as you went along?—A. Yes; I left them in the hands of those democrats at Yazoo City.

Q. Did you try to leave any out before you got there?—A. Yes; at Burtonton I left some with the school-teacher.

Q. I thought you said they had taken all the tickets; that they took them all from you before you got to Burtonton?—A. I said nobody troubled me at all till I got to Yazoo City.

Q. Did you give out your tickets at Burtonton before you came to Yazoo City?—A. Yes; I gave a colored school-teacher some.

Q. Did you not say that the tickets were given by the colored man to a teacher there?—A. I gave them to the teacher myself. This "colored man" business don't come up till you get to Yazoo City.

Q. You did not do anything, then, until you got to Yazoo City?—A. No.

Q. Was he present when you gave the tickets out at Benton?—A. The stage stopped. The school-house was up on the hill on the edge of Benton—that was the place. Going out, this colored fellow staid in there.

Q. What place is that that you state now?—A. Benton, I say. I made a mistake in the name; it is Benton, not Burtonton.

Q. What was the woman's name that you gave the tickets to?—A. I do not know her name, sir. It was on the letter, but I have forgotten. I never knew the woman.

Q. Who wrote her the letter?—A. Colonel Morgan done all this writing.

Q. Was she a colored woman?—A. Yes; there were tickets with the letter.

Q. Did you have any letters to any white republicans over there?—A. Only to his brother, from Colonel Morgan.

Q. Did you go to Colonel Morgan's brother with those tickets?—A.

No, sir; the next thing I did after getting out of the stage I went and got my dinner, and then I was accosted by those parties, and the tickets were taken away from me. That night I went to Colonel Morgan's brother. This colored man showed me the house.

Q. Do you not know that Colonel Morgan's brother declined to be a candidate on the republican ticket in that county that year?—A. I really do not know anything about it, sir.

Q. Did you not see tickets out there saying that these parties would not authorize Colonel Morgan to put their names out?—A. He gave me one to give Colonel Morgan, but I do not know that they were republican tickets.

Q. The tickets, then, were of men who had declined to run?—A. This bill said so.

Q. Do you not know that they said so themselves?—A. No, sir; I do not know anything about it. I never saw any of them except Colonel Morgan's brother.

Q. Do you not know that it was a common report there that Mr. Morgan's brother declined to accept the place on the republican ticket there?—A. That was among the democrats; the bill stated that.

Q. Did you show it to Colonel Morgan's brother?—A. No, sir; I never showed it to Colonel Morgan's brother that I recollect.

Q. Think a moment; did you not show him that paper that Mr. Sublett showed you?—A. No; I do not think I did.

Q. You did not ask him any questions?—A. No, sir.

Q. And you recollect nobody's name that you saw?—A. No, sir.

Q. Did you not know the man that went with you?—A. I don't recollect his name.

Q. May be I can refresh your recollection. Was it not Green Tapley?—A. No, sir; Green Tapley is a yellow fellow; I told you this other man is dark.

Q. Have you ever seen this man since that time?—A. Yes.

Q. Where is he now?—A. I do not know.

Q. Where did you see him?—A. At Jackson, I suppose.

Q. Did he come back with you to Jackson?—A. We got together at Vaughn Station on the return trip; he staid in town and took the 11 o'clock stage, but I left earlier and walked out of town and caught up with his wagon, and that evening he caught up with me.

Q. And from that back to Jackson you were with him?—A. Yes; from Vaughn Station.

Q. And you were engaged all the time in travel with him and do not even know his name?—A. I knew his name at that time. I knew his name all the time, but I have forgotten it now.

Q. Was not his name Struver?—A. No, sir; he was a second lieutenant in the militia. I would know him if I saw him again.

Q. Do you know if there was any republican ticket nominated in the county of Yazoo in that year by anybody except Colonel Morgan himself?—A. No, sir; I do not know anything about that, or about Yazoo County at all, except what I have told you.

Q. Do you know what became of those tickets?—A. No, sir; I never watched them any more. They carried them back into the back part of the tinner-shop and said, "By God, we will distribute them for you.'

Q. Do not you know the next day when you were there there were republican tickets scattered all around there?—A. No, sir; I was not there any time. I got up and walked right through and got out of town.

Q. Do not you know that Wilson offered tickets there to the colored

men?—A. I do not know what he did, but he had tickets, so they said; they gave him croton oil, and they pretty nigh killed him.

Q. Who gave him croton oil?—A. The democrats; he staid at the same hotel I did.

Q. You swear to that, do you?—A. No, sir; I swear he said they did.

Q. Do you not know you are under oath?—A. O, yes; I know that very well.

Q. You are swearing to a thing while you are under oath that you do not know.

Mr. McKee. Don't attempt to browbeat the witness.

Mr. Singleton. O, hold your tongue.

Mr. McKee. Hold your tongue yourself.

Mr. Pease. The witness will have to be protected; bull-dozing may do in Mississippi, but it won't do in Washington.

Mr. Singleton. I simply avail myself of my right in this matter. I know what it is. I was not born yesterday, and I am conducting this examination as I think is right. (To the witness.) I ask you now if you undertake to swear that these men gave anybody croton oil there?—A. Only from what he said.

By Mr. Singleton:

Q. Only from what he said?—A. Yes; I know he stunk pretty bad when he got back to Vaughn Station that night.

Q. You say he told you that they gave him croton oil?—A. Yes.

Q. Who told you that?—A. Wilson.

Q. You do know that he had tickets there and that he offered them to colored people?—A. I do not know what he did with his tickets.

Q. Did you not hear him say that he offered those tickets there to the colored people and that they would not touch them?—A. No, sir; I never heard him say any such thing.

Q. Did you leave him there when you left?—A. Yes, sir.

Q. Did you hear him say anything about it when he came there?—A. No, sir; he never said anything about what was done, except about the croton-oil.

Q. Who gave him the croton-oil and how did they give it to him?—A. He said they gave it to him in whisky; but I do not know only from what he said.

Q. Did Mr. Wilson say that?—A. Mr. Wilson said that—a white man.

Q. And you say he stunk very much?—A. He stunk very much at the hotel at Vaughn's Station.

Q. That is the case with a great many of the republicans there, is it not, a great many of them stink?—A. I do not know, sir.

By Mr. Pease:

Q. You said something about the time that body of men came searching for your brother and that some obscene language was used toward your mother and sisters; state what there was about it.—A. They cursed. They did not use any more language than cursing.

Q. Whom did they curse?—A. They said something like "God damn it, look here," and, "By God, look here," and that sort of thing. My mother and sisters were in there.

By Mr. Singleton:

Q. Your mother and sisters are not voters, are they?—A. No, sir; but that is no reason why anybody should use such language to them.

Q. You have stated that when Mr. Sublett asked about the tickets you told him you had none?—A. Yes; I told him I had none.

Q. Why did you tell him you had no tickets?—A. Because I did not want him to take them. I thought at that moment I knew what his intention was; he said his intention was to take them. At least I thought that was his intention before he said it, and my thought proved to be right, because he took them.

WASHINGTON, *February* 24, 1877.

LEWIS N. INGRAHAM sworn and examined.

By Mr. PEASE:

Question. Where do you reside?—Answer. In Jefferson County, when I am at home.

Q. State the town in which you reside.—A. It ain't any town. It is about seven miles from Fayette.

Q. How old are you?—A. About twenty-seven.

Q. You are a colored man?—A. Yes, sir.

Q. State to the committee if you know of any violence or intimidation that occurred in your county during the last political canvass in the presidential campaign of 1876. State anything you may know, as concisely as possible.—A. On the 4th of last November, I started from Alcorn University as a student, to get some more means to defray my expenses at college. On the same evening, about six o'clock, I arrived at Fayette and there I received some tickets from Mr. Howard and Mr. McClure, to carry up to the precinct of Ebenezer, to the precinct where I was to vote.

Q. About what time was this?—A. It was the 4th.

Q. The 4th of what?—A. The 4th of November last. I went on about seven miles from Fayette, and there I came to a church. I goes in there to attend the preaching. I was in there about half an hour.

Q. About what time in the day was this?—A. This was about seven o'clock in the night. I was there about fifteen minutes, and I heard the noise of many horses' feet coming to the church. After a while men rode up, and we heard them call. The minister went out, and Captain Put. Darden and Joe Davenport they commenced questioning the minister as to having been told about having these night prayer-meetings.

Q. Who was Put. Darden?—A. He was a captain of the democratic club. He asked them hadn't they been told about having these night-meetings. He says nobody said anything to them about it. Then he said, "You have these night-meetings as prayer-meetings, and then you turn them into political meetings, and we mean to break them up." At this time the people heard of it, and ran out of the church, and I in the midst of them; at which time there was a terrible firing of guns, I heard, behind them. That was what was done the night of the 4th.

Q. Where did you go then?—A. That night I ran home. On the following morning, the 5th of November last, I was at my brother's house, about a mile from my father's house.

Q. How far was this from the church where you were?—A. That was about two miles; and I heard a mighty screaming or hallooing there of mother and the children, and I ran up there in my shirt-sleeves and got about a hundred yards from the house, and was met by Dr. McNair.

Q. Who was Dr. McNair?—A. He was a doctor of the place.

Q. Was he a democrat or a republican?—A. Democrat. He drew his pistol on me, and he says, "Come over this fence." Says he, "You

couldn't have paid us a more welcome visit"—just so. He carried me up to my father's house and set me down in the midst of the crowd. There was six of them.

Q. There was six men at the house?—A. Yes, sir.

Q. Do you know who they were?—A. Yes, sir.

Q. Who were they?—A. Dr. McNair was one, and Mr. Percey was another, and Spain Burke, and Chester Coffee, and a dentist at Fayette; I don't know his name, but I know his face.

Mr. PEASE. Now go on and state what occurred there.

The WITNESS. They told us that we were their prisoners, and told us to march out before them. I asked them where they were going to carry us. They said they were going to carry us to the headquarters.

Q. "Headquarters" was the term they used?—A. Yes, sir. I asked them where was the headquarters. They said never mind; I would know when we got there. They carried us on, back of the church, on the roadside; and when we got there they didn't say any more to us, any more than they asked me if I was at church last night. I told them, "Yes." They asked about what time. I said, "About seven o'clock." They said that was just about the time.

Q. At what place was this headquarters?—A. Down at the church; the same place.

Q. Who were at the church when you arrived there?—A. It seemed like sixty-five or one hundred men.

Q. White men?—A. Yes; white men.

Q. Were any colored men there?—A. Yes, sir.

Q. How many?—A. There were two colored men—democrats—that belonged to the party.

Q. Were there any others?—A. Yes; they had made several arrests that morning.

Q. Do you remember the number of colored men there then?—A. No, sir; I think it was about fifteen or twenty.

Q. State what occurred there.—A. After they got us to the headquarters, then they went off and held a consultation. I don't know what they said. They went off about fifty yards from where we was. Put. Darden and Dr. McNair, and several others, went off and talked. When they came back they told us to report to the headquarters—that was Captain Darden and Mr. Davenport; after which, after we had gone there, they told us to——

Q. [Interposing.] Where was the headquarters?—A. At that place. When they got us there they told the men to take charge of these men. They said, "Six of you take charge of these men"—just so. They told us to march out on the road.

Q. Let me ask you whether all of these twenty men went there and reported?—A. No, sir.

Q. How many went to what they called headquarters and reported?—A. These men that they had there were there before I got there. I don't know what they did with them after they carried them there.

Q. State what occurred.—A. They carried us about a mile from that place down the road.

Q. Who do you mean by "us?"—A. Myself, my father, Wiley Mapes, and Lewis Moise, and my father, Jack Ingraham.

By Mr. MCCASKILL:

Q. Your father's name is Jack Ingraham?—A. Yes, sir.

By Mr. PEASE:

Q. State what occurred.—A. When we had gone about a mile down

the road Dr. Guice said, "Hurry up, boys." He said that to the men. He said, "Hurry up, boys; whatever you are going to do, do it quick; the niggers and the white people are fighting at Jesse Darden's." And just about that time——

Q. Was this on the road?—A. Yes, sir.

Q. Were you on the road?—A. They were carrying us down the road, and they said after they had gone on a while, "Left wheel!" and carried us down the left-hand side of the road about two hundred yards in a thicket, and they said, "Halt!" And then they all stopped and they commenced to take the reins of the horses and hitched the horses to get off. At this time we all broke and run.

Q. I want to ask you who were the six men who were taking you down this road and took you into the thicket; do you know their names?—A. Yes, sir.

Q. State their names.—A. Dr. McNair was one; not him, I am mistaken, but Dr. Pol Guice——

Mr. McCaskill. I suppose "Pol" is a nickname for Napoleon?

The Witness. And Mr. Thomas Percy, Chester Coffee, and William Buckles, and Chester Coffee's brother, I don't know what his name is; I know him, but I don't know his name.

Q. (By Mr. Pease.) Do you remember any others?—A. There was another man, but I can't remember his name.

Q. Would you know the man if you saw him?—A. Yes, sir.

Q. State now what occurred in the thicket.—A. When they got us down in the thicket and were about hauling up and running the horses to get down, we all broke and ran, and when we ran they began to fire guns, and I heard a man holler, and think it was my father.

Q. You say you heard guns?—A. Yes, sir.

Q. Were those six men who were taking you down the road armed?—A. Yes, sir.

Q. What kind of arms did they have?—A. They had these sixteen-shooters, all but one man; he had a double-barrel shot-gun.

Q. Were they rifle-guns?—A. Yes, sir.

Q. State what occurred after that.—A. Yes, sir. That day I was dodging about trying to make my escape, and I saw them have three other men. I was about 300 yards from them. I knew the colored men, but the white men I didn't know.

Q. This was another party that you saw, was it?—A. Yes, sir.

Q. It was not the same party of men who had had you?—A. No, sir.

Q. State what you saw and heard.—A. The three men that they had was my brother, Henry Ingraham, and another was Spencer Brown, and another was Squire, a young man by the name of Squire. Those three they had tied all together. When they had gone about 400 yards, I heard a gun shoot.

Q. Where was this?—A. In the woods. I heard a gun shot; I didn't see anybody; and since then I have heard they were killed. But that same day they took about two hundred and seventy-five tickets from me. They were searching for papers and arms.

Q. What tickets were they?—A. Tickets that had been given to me by Mr. Howard and Mr. McClure to carry to Ebenezer.

Q. Were they democratic or republican tickets?—A. Republican tickets.

Q. This occurred on the 5th day of November, did it not?—A. Yes, on the 5th.

Q. Of last year, 1876?—A. Yes, sir.

Q. Do you know of any other disturbance during that year in Fayette?—A. No, sir, nothing distinctly.

Q. Do you say you went with those tickets to Ebenezer?—A. I didn't go there. I had them to carry.

Q. You were going there?—A. I had them to carry there.

Q. What place was this church where you went to meeting?—A. It was a private house.

Q. What was the name of the man?—A. Wiley Mapes.

Q. What kind of a meeting did you hold?—A. It was a religious meeting.

Q. It was a church-building, was it?—A. I think it is his private dwelling, where we had always had a night-meeting.

Q. They had night prayer-meetings there?—A. Yes, sir.

Q. Was Mr. Mapes a preacher?—A. Yes, sir.

Q. Was he preaching on this occasion, when you heard this clatter of horses' feet?—A. No, sir; we were down praying.

Q. You were praying at that time?—A. Yes, sir.

Q. How many colored men were there that night at that meeting?—A. Only about a dozen of us, men and boys.

Q. It was a neighborhood prayer-meeting, was it?—A. Yes, sir.

Q. Were any of these men armed?—A. If they were I didn't know it. I had been there only about fifteen minutes.

Q. Were the colored men in Jefferson County in the habit of taking arms to their religious meetings?—A. No, sir.

Q. Have you ever seen the colored people of your county while in attendance at political meetings with arms in their hands?—A. No, sir; and the people in my neighborhood didn't attend many political meetings this year.

Q. What was the condition of public sentiment there, to your knowledge? Was there any intimidation, or was any fear entertained by any class of people in your county? If so, state what it was.—A. Yes, it had been a general thing that the democrats were riding around at night.

By Mr. McCaskill:

Q. Did you see them that night?—A. I hadn't seen them that night, but I was there about two weeks before that, down at home, and while I was there they were riding every night; and this same man Wiley Mapes, and several others, they had promised to give a whipping, and people were afraid, almost, to go to church, for fear they were going to get whipped.

By Mr. Pease:

Q. Were there any women at this prayer-meeting?—A. Yes, sir; there were more women than men.

Q. You say that when these men rode up to church, they inquired what you were doing there?—A. Yes, sir.

Q. And they then said that you had been told not to hold any night-meetings?—A. Yes, sir.

Q. Then you broke and ran?—A. Yes, sir.

Q. You say you heard firing?—A. Yes, sir; I heard firing.

Q. Do you know whether anybody was killed or hurt there?—A. No, sir; not to my knowledge. I might have heard since.

(Objected to as hearsay, by Mr. McCaskell. Objection overruled.)

By Mr. Pease:

Q. State what you know.—A. That is all I know about it.

Q. Where did you go after you fled from the party that was taking you down the road and into the woods?—A. I went first to the college—Alcorn University. When I got there I related the circumstance to the president, and he told me that I had better not stay there.

Q. When were you summoned to come here?—A. Last Friday I received a note from the marshal at Jackson that I was wanted here, and the same day I started.

By Mr. McCaskill:

Q. You say you fled to the college that day after you got away, do you?—A. Yes, sir.

Q. How far were you from the college when you got away?—A. I guess I was about twenty-three or twenty-four miles.

Q. Who was the president of the college at that time, to whom you related this circumstance?—A. Dr. Revels.

Q. Where did you say you went from the college?—A. I went to Louisiana.

Q. To what point in Louisiana?—A. I went away out on the Tensas River.

Q. Did you go to any particular town or place on the Tensas River?—A. No, sir.

Q. Where were you when you received this message from the marshal at Jackson?—A. I was at a man's house in Louisiana.

Q. Did the message come from Captain Lake, the marshal at Jackson?—A. Yes, sir.

Q. The marshal in Mississippi?—A. Yes, sir; from Jackson.

By Mr. Pease:

Q. Is he the United States marshal?—A. Yes, sir; United States marshal.

By Mr. McCaskill:

Q. You say Captain Pat Darden was in command of this crowd that came to the church?—A. Yes, sir.

Q. Do you know whether he was called captain on account of his command there, or was that an old title which he had before?—A. I don't know as to why they called him that, but they called him captain.

Q. Haven't the people ever since the war called him Captain Darden? Has he not been known as Captain Darden?—A. I did not know it until last year.

Q. How long have you known the captain?—A. I have known him as a man for a good while.

Q. Do you not know that a brother of Captain Darden's had been shot that night?—A. No, sir; I do not know it. I heard it since I came away.

Q. Was it a cousin of Captain Darden's? It was a Mr. Darden, at any rate?—A. No, sir; I don't know that he was a cousin; but I heard——

Q. You heard that Mr. Darden was shot?—A. Yes, sir.

Q. You say you went on home that night?—A. Yes, sir.

Q. And the next morning you were three-quarters of a mile away, at your brother's house?—A. Yes, sir.

Q. Three-quarters of a mile from your father's house?—A. Yes, sir.

Q. And you heard "screaming and hallooing" at your father's house?—A. Yes; it was early Sunday morning.

Q. You say you heard that three-quarters of a mile?—A. Yes, sir.

Q. And these gentlemen were there?—A. Yes, sir.

Q. When they arrested you and started to what you say was their headquarters, did they not tell you you were arrested on account of a charge that you had shot Mr. Darden?—A. They did not tell me so.

Q. Did they not at any time tell you that that was the charge against

you?—A. No, sir; they didn't tell me anything of the kind. They simply asked me when I was at the meeting.

Q. You went, then, to the church, where there were sixty-five or one hundred men?—A. Yes, sir.

Q. How many colored men were there in the crowd at the church who belonged to the democratic party?—A. I don't know of any democratic colored men being at the church; but I know there was two democratic colored men that belonged to the democratic party that morning; Joe Jackson for one, and Joe Grant for another—two colored men.

Q. What did they do with those whom they had arrested there when they started off with the party you were with?—A. I don't know. I haven't seen them since.

Q. How many colored men were in the party that started off with you from there?

The WITNESS. How many colored men in which?

Mr. MCCASKILL. Those who started off with you.

A. There was three besides myself.

Q. Jack Ingraham—your name is Lewis Ingraham, is it not?—A. Yes, sir.

Q. Who were the other two?—A. Wiley Mapes and Lewis Moise.

Q. Did they take Henry Ingraham along, too?—A. Not at that same time.

Q. Did they take 'Squire Wade away at that time? Mr. Hurst in his testimony called this man 'Squire Wade.—A. No, sir.

Q. Did they take Spencer Brown?—A. No, sir.

Q. Or Ross Section?—A. No, sir.

Q. Or Aleck Section?—A. No, sir; not with me.

Q. Or Aleck Carter?—A. Not with me; no, sir.

Q. You say, then, that the six men who carried you off did not take either of these men I have called over at that time?—A. No, sir.

Q. Did you see Peter Hurst there that morning?—A. Yes, sir; I saw him.

Q. Did you hear what they said to him?—A. No, sir.

Q. Do you know anything of your own knowledge as to where any of these parties I have mentioned are?—A. No, sir; I don't know where any of them is.

Q. Do you know of your own knowledge whether any of them were killed or not?—A. No, sir; not of my own knowledge.

Q. Then what you said about their being killed is what you have heard since?—A. My father, I am most sure, was killed; in fact I heard him holler.

Q. But you have not been back there since?—A. No, sir; I haven't.

Q. You don't know, then, whether any of them were killed or not except what you have heard since?—A. No, sir; not of my own knowledge.

Q. You stated when they got down into the thicket, and began to dismount from their horses, you all broke and ran?—A. Yes, sir.

Q. Was there any signal given to you?—A. No.

Q. You just broke and ran and then they fired at you, you say?—A. Yes, sir.

Q. You say you don't know the men whom you saw three hundred yards off, who had Henry Ingraham and Spencer Brown?—A. No, sir.

Q. You do not know who they were?—A. No, sir.

Q. But you do know the colored men they had?—A. Yes, sir.

Q. Are you pretty well acquainted with the white men around in that country?—A. Well, sir, I am pretty well acquainted with those in my neighborhood, but there must have been about—I think that day, while

I was dodging around, I saw between one thousand and fifteen hundred white men.

Q. You were pretty badly frightened, were you not?—A. Yes; I was kind o' frightened; but I think I saw that many.

Q. Captain Pease asked you if you had ever seen colored men armed in that country?—A. Yes, sir.

Q. And you said that you had seen very few colored men at the meetings with arms?—A. Yes, sir.

Q. Have not the colored people of that country in 1874, 1875, and 1876 come to your meetings armed with pistols and clubs and otherwise armed? Have you not seen them go to meetings that way?—A. I have been to school all before this. I don't remember voting but twice in my life; and during these campaigns I am always at school.

Q. You were at school at this time, but yet you seem to have seen considerable in 1876. I want you to tell me if you had not seen them go to political meetings prior to this time armed with clubs or pistols or such weapons as they had.—A. No, I don't remember, it, captain, that I ever saw them armed with clubs, or sticks, or pistols.

Q. Not in 1875?—A. No, sir.

Q. Nor in 1873?—A. No, sir.

Q. You never saw them go to meetings armed in that way?—A. No, sir; not to my knowledge.

Q. You say you were at Alcorn University last fall?—A. Yes, sir.

Q. How do you know they were in in the habit of riding around there at night, then?—A. You see the college didn't commence until some time in October. That was pretty late. About the time college commenced I left home. I was there before that.

Q. How many times did you see parties riding around at night?—A. I have seen a good many and heard of them.

Q. Did you know any of them?—A. No, sir; it was at night.

Q. What time in October did you go to college?—A. I went about the time the school opened; I forget exactly the day it was opened.

Q. Did you remain there constantly from that time on until the time you say you went back on the 4th of November?—A. I went home three times.

Q. And you went home this time after means to pay your expenses there?—A. Yes, sir.

Q. Then you did not go home for the purpose of attending the election?—A. Yes, sir; I thought in the mean time I would vote while I was there. I didn't go there particularly for that. I went to get some means, and in the mean time I thought I would vote.

Q. You made it convenient to go there about that time, did you? There was no harm about that; you had a right to do it.—A. Yes, sir.

Q. You say, then, that before that time you could hear them riding every night?—A. No, sir; I was not there every night.

Q. I thought you said, in answer to Mr. Pease's interrogatories, that you heard them riding around every night.—A. I said I could hear them riding around every night or two, but I was not there every night. But you know at the time school started I was at school.

Q. How many nights were you in that neighborhood from the time you went to school until the time this affair occurred?—A. I was there three different times.

Q. How many nights did you stay each time?—A. Once I staid two nights, and another time I staid three, but the last time I didn't stay but one night.

Q. How many times did you see them riding during these visits

home?—A. I remember the second time I went back I heard them riding, and the last time I went back the fuss broke out.

Q. And the other times you didn't hear them?—A. One of the times. I went home three times.

Q. Did you hear them each night you were there?—A. I heard them one night.

Q. Did you know what they were doing or where they were going?—A. No, sir.

Q. You do not know but what it was a party of gentlemen going home from a club meeting, do you?—A. They would sometimes stop, and some of them had on—people said that they had on——

Mr. McCaskill. Never mind what people said, I am asking for what you know.

The Witness. I know that they were once—that they were men of the democratic party.

Q. How do you know that; did you know any of them?—A. Yes, I knew some of them.

Q. Whom did you know?—A. I knew one who was there. I saw Mr. Tom Gordon, a young man, there. He was there.

Q. Did you know any one else?—A. No, sir.

Q. He was the only man in the company that you knew?—A. Yes, sir.

Q. And that was the only time that you recognized any man in the crowd, was it?—A. Yes, sir.

Q. You have been in Louisiana ever since, until you were summoned here?—A. Yes, sir.

Q. And you have not been back there at all since?—A. No, sir; I have not.

Q. And you were summoned from Louisiana here by Captain Lake, from Jackson?—A. Yes, sir.

Q. You were not at the election?—A. No, sir; I was not.

By Mr. Pease:

Q. You have stated, I think, that you saw or heard parties of men riding over the country every night, or something to that effect; but you heard them only two or three nights after you went to the college?—A. Yes.

Q. These were the occasions after you returned home?—A. Yes, sir.

Q. I think you said the college opened some time in October?—A. Yes, sir.

Q. Was the political canvass going on prior to October?—A. O, yes, sir.

Q. Were you then in the county?—A. Yes, sir.

Q. Did you see, or hear, or know of these parties riding through the country before you went to college?—A. Yes, sir; I heard of it.

Q. But you didn't see them yourself?—A. No, sir.

Q. When you heard these parties riding about was it in the night or in the day-time?—A. Once I heard them——

(Objected to by Mr. McCaskill as hearsay. Objection overruled.)

Q. (By Mr. Pease.) Was it in the night or day-time when you heard these parties riding about through the country?—A. About the time I saw them it was between night and day.

Q. Was it light or dark then?—A. It was dark.

Q. So dark that you could not have recognized any one if you had been able to see the party?—A. No, sir; I could not.

Q. Do you know whether or not they had guns ?—A. Once, during the sheriff's election, I knew they had guns.

Q. What election was that ?—A. That was the election for sheriff last year in our county.

Q. Was there much excitement during that election ?—A. Well, they rode up and down the road that morning before day and shot and fired their guns, and hollered and whooped.

Q. They rode up and down the road by your house ?—A. Yes, sir.

Q. On the morning of the election ?—A. Yes, sir.

Q. How many were there in the company which rode up and down the road on that occasion ?—A. Well, I don't know, sir. There was a whole company. I couldn't say.

Q. Were they uniformed ?—A. Yes. They had on red shirts and red stripes on their pants. They rode that morning until about——

Q. You were asked, in the cross-examination, whether you had ever known of colored men attending political meetings armed. I desire to ask you now whether or not, prior to the election of 1876, there was quiet and peace in Jefferson County ? I want to know whether there was any excitement of the character you witnessed in 1876 ?

The WITNESS. On the part of the colored people ?

Mr. PEASE. On the part of anybody. What was the condition prior to this last political canvass ?

A. In our county, Jefferson County, I think it was always very quiet.

Q. There was no occasion, then, for anybody arming at political meetings, was there ?—A. Not to my knowledge.

Q. Which party controlled the offices in that county prior to 1876, the republicans or democrats ? I mean within the last two or three years, has it been republican or democratic ?—A. I think they have been principally republican.

Q. Had you a republican sheriff ?—A. Yes, sir.

Q. And had you republican members of the legislature ?—A. Yes, sir.

Q. I think you stated in answer to questions in your cross-examination that you should judge you saw from a thousand to fifteen hundred men riding around through the country when you were attempting to escape on the 5th of November ?—A. Yes, sir.

Q. Were they armed ?—A. Yes, sir.

Q. Were those one thousand men white men or colored men ?—A. They were white men.

Q. You said that you heard your father "holler" after the shooting at the time you fled from the party when they took you into the thicket ?—A. Yes, sir.

Q. Do you know what became of your father after that ?

The WITNESS. To my own knowledge ?

Q. State what you know as far as you have any knowledge.—A. No, sir; I don't know. If he was killed then I don't know it, but I heard him holler.

Q. Have you heard of him since ?—A. Yes, sir.

Q. State what you heard of your father since that time.—A. Since that I heard that my father was—he made out to get away from that place and get home; and when he got home, and being hid off in the thickets by my mother, they found out—those men, I suppose, found out he was there.

(Objected to as hearsay by Mr. McCaskill. Objection overruled.)

The WITNESS. That is what I heard, that they found out he was there. She told him that they knew he was there; he had better get

away from there; and he scuffled and got down in Franklin County, near the line of Franklin County, to an old colored woman's house there by the name of Kentuck Deans. She had him put away there in the cotton-house, keeping him there; and they found out he was there and they went there.

Q. (By Mr. PEASE.) Was he wounded?—A. Yes; he was wounded; he was shot through the shoulder and kind of 'cross his back.

Q. What else did you hear of him?—A. They found out he was there and they went there and took him out and tied him, and took him off, and since then they say that he was killed—hung up in the woods and left hanging there. They said if anybody went there to look at him they would do the same to them.

Q. This is all hearsay, is it?—A. Yes, sir.

Q. You do not know it yourself?—A. No, sir; I don't know it myself.

Q. You have not seen your father since, have you?—A. No, sir.

Q. You have not been back to the county since you went away that night, have you?—A. No, sir.

Q. Was your father an active man as a politician?—A. No, sir; I never heard him make a speech.

Q. He had not taken an active part in politics?—A. No, sir; no active part at all. He was a preacher.

Q. Was he a minister of the gospel?—A. Yes, sir.

Q. How old a man was your father?—A. About seventy-five years old.

Q. And he had taken no active part in politics, but was simply a preacher?—A. Yes, sir; simply a preacher.

Q. Was he at that meeting the night they surrounded the house?—A. Yes, sir.

Q. Was he in charge there, preaching?—A. No, sir, not in charge; but he was to preach that night.

By Mr. MCCASKILL:

Q. When was this special election for sheriff?—A. I can't tell the exact date of it, but it was in 1876.

Q. You say you saw armed men riding up and down the road before daylight that morning?—A. Well, it was before day, and until daylight.

Q. Give the names of any of those you saw.—A. I didn't know them.

Q. You didn't know any of them?—A. No, sir.

Q. You don't know where they live or where they belong?—A. No, sir. I think they were from the upper part of Jefferson County.

Q. You think so?—A. Yes, sir.

Q. Not knowing any of them or where they were from, are you prepared to swear that they were democrats?—A. Well, they had on the clothes that the democrats generally wore—red shirts and caps and striped clothes; that is about as much as I can say.

Q. Beyond that you would not say whether they were democrats or not?—A. No, sir.

Q. You stated that you heard a good deal about your father; tell us who you heard that from?—A. A young white man by the name of Tommy Walker.

Q. Where does he live?—A. He lives in Jefferson County. I don't know where now. He was arrested that morning, too, the same time I was.

By Mr. PEASE:

Q. Mr. Walker was arrested?—A. Yes, sir.

By Mr. MCCASKILL:

Q. Where is Mr. Walker now?—A. I don't know. I think he is in Franklin County with Dr. Johnson, I think. That is what I heard.

Q. Where was he when he told you this about your father?—A. He was in Louisiana.

Q. When was it you saw him in Louisiana?—A. I cannot tell you exactly. I know it was since the election.

Q. At what point in Louisiana did you see him?—A. I was not much acquainted in Louisiana.

Q. You know the name of the place where you were, do you not?—A. I saw him at a colored man's house there by the name of Mose Williams.

Q. Who was Mr. Walker? Is he an old citizen there? Was he raised there?—A. No, sir; I think not.

Q. What was his business there?—A. A farmer.

Q. Was he a democrat or a republican?—A. I don't remember that he ever took an active part in either party.

Q. Did he belong to either party?—A. No, sir; I don't think he ever voted there. He says he is an Englishman. I don't think he ever voted there.

By Mr. PEASE:

Q. You stated that this man Walker was an Englishman?—A. Yes, sir.

Q. Was he among the party that was arrested that morning and taken to headquarters, as you designate it?—A. Yes, sir.

Q. What was he arrested for, if you know?—A. I don't know. He was at my father's house. He was with my sister as a wife.

Q. Did he marry your sister?—A. I don't know. He was with her, anyway.

Q. They arrested him?—A. Yes, sir.

Q. You saw him in Louisiana, you say. Did he return to the county?

A. Yes, sir; he staid there.

Q. He went back, did he?—A. Yes, sir.

Q. Is he there now?—A. Yes; I have heard that they caught him and whipped him since he went back.

By Mr. MCCASKILL:

Q. You say Walker is a brother-in-law of yours?—A. I don't know whether he married my sister or not. I was not there when he——

Q. They are living there as man and wife?—A. Yes, sir; living at the place.

Q. Were he and your sister living there as man and wife?—A. I never heard him call her "wife," but he was staying there at my father's house.

By Mr. PEASE:

Q. It is customary down in that country for people to sometimes live and cohabit together who are not married, is it not?—A. Yes, sir.

Q. It is quite frequently the case among colored people, is it not?—A. Yes, sir; frequently.

Q. And that condition of things obtained before they were free?—A. Yes, sir.

J. B. WILLIAMS sworn and examined.

By Mr. MCCASKILL:

Question. Where do you reside?—Answer. Mobile, Ala.

Q. What is your business or occupation?—A. Merchant.

Q. Were you in Oktibbeha County, Mississippi, about the time of the Chapel Hill difficulty there?—A. Yes, sir.

Q. Please state where Chapel Hill Church is, and how you came to be in that section at that time.—A. My family were up there on a visit to Mr. Robert H. Spencer's, about two hundred and fifty yards from the Chapel Hill Church. It is about eight miles east of Artesia, I think. I do not know the location; it is about eight miles east or west from there. They were on a visit to Mr. Spencer's, and I went there to see them, and I was there on the day of the Chapel Hill fuss or riot.

Q. State all you know about that difficulty, in your own language, and as briefly as you can.—A. On Saturday morning, the 23d of September, I went to a public speaking at Choctaw Agency, about three miles from Chapel Hill Church, to hear Colonel Muldrow, the candidate for Congress, make a speech. There were a good many colored people at the meeting to hear Colonel Muldrow, and they were invited to join the democratic clubs after his speech. I don't know whether any of them joined the club or not, but after the speaking a good many negroes told the democrats that were present that they were going to have a meeting at Chapel Hill Church that night, and that they would be very glad to have some of them come to the meeting at Chapel Hill Church. The meeting took place, and some eighteen or twenty men went up to the church that night to attend the meeting, as I understood. I did not go myself, and when they got——

By Mr. PEASE:

Q. You did not go up there?—A. I did not go to the meeting, no, sir, at the church.

Q. That is at Chapel Hill?—A. Yes, sir; when they got pretty near the church I heard the command given, "Halt." It sounded like a negro who gave the command to halt. I couldn't tell whether it was a colored man or not, but I think it was a colored man from the sound; as soon as he gave the command to halt they commenced firing.

By Mr. MCCASKILL:

Q. Did you see any negroes carrying arms to the church that afternoon?—A. I saw several negroes carrying arms to the church, and I saw one negro have two guns, one in each hand; that was about half past four or five o'clock in the evening, after I had returned from Colonel Muldrow's speaking.

Q. State in that connection whether you heard any violent or threatening language.—A. I heard a speech by a negro named Peter Lowry. I heard nearly all of his speech; that was a very severe speech on the democratic party, the white people particularly; he used very incendiary language.

By Mr. PEASE:

Q. He used incendiary language, did he?—A. Yes, sir; I can tell you a part of what he said.

Mr. MCCASKILL. Tell it.

The WITNESS. He said, "We are going to beat our drums to-night, and holler and shout as much as we please, if we have to kill every damned rebel in Mississippi," or in Oktibbeha County, Mississippi; and

he said that Judas Iscariot was among their number in the church, and that he would be found out before the speaking closed, or before the time came, or something of that kind.

Q. (By Mr. PEASE.) This was at Chapel Hill?—A. This was at Chapel Hill, over at the church, yes, sir; I repeated the language to Henry Outlaw, or the most of it, in Mr. Turner's store, in Starkville, a few days afterward, and he acknowledged that Lowry had used that language, in the presence of Mr. J. O. Henry.

By Mr. MCCASKILL:

Q. Did you see them have any shot-guns the night before the firing commenced?—A. No, sir. I saw them have the shot-guns the night of the firing. I saw the negroes carrying guns in their hands. I couldn't tell, from where we were sitting in the gallery, whether they were shot-guns or muskets; but I saw shot-guns and muskets, both, after the fight, which were captured from them.

Q. Do you know who fired first?—A. I am satisfied that the negroes fired first, because on the right-hand side from where I was—I was down near the fence—and from the right-hand side the firing commenced. The white men were on the left hand, I suppose about fifty or sixty yards off. I was in the army, and I could tell pretty well from the firing and the flash that it was just on the right-hand side. I saw their guns that were captured, that were brought immediately afterward to Mr. Spencer's house, and I knew they must have fired the first shot because of the men yelling and running after them.

Q. Did the first firing come from where you heard this command—"Halt?"—A. Yes, sir; on the right-hand side of the road, near where Lowry was speaking. He was speaking right outside of the church, not in the church, and you could hear him distinctly.

Q. What part did Carpenter take in it?—A. Young Carpenter was coming over to Mr. Spencer's house, or in that neighborhood, that night, and he was stopped by several negroes on the road, and they would not allow him to pass.

By Mr. MCKEE:

Q. How do you know that?—A. He told me so; and he turned his horse loose, and came through the woods in a roundabout way, and got to Spencer's house; and they asked him——

Mr. PEASE. I object.

By Mr. MCCASKILL:

Q. Do you know what the character of Mr. Outlaw is in that country?—A. Yes, sir; I knew what it was about that time.

Q. I mean for truth and veracity?—A. Yes, sir.

Q. Was it good or bad?

Mr. MCKEE. Please lay the regular legal foundation for his means of knowledge.

Mr. MCCASKILL. I asked him if he knew it, and he said he knew what his reputation was in his neighborhood.

The WITNESS. From what everybody said in the neighborhood—that he had been the instigator and the grand mogul of all the corrupt things which the negroes had done. He and Martin Washington and Jeff. Gregory, (who was wounded and afterward died, as was stated the other day,) and Peter Lowry—that those negroes had been the instigators and cause of all the disturbance in Oktibbeha County since the war.

By Mr. PEASE:

Q. This you heard? You do not know it yourself, do you?—A. I do not know it myself, for I did not live there.

By Mr. MCCASKILL:

Q. What were your means of knowing his reputation for truth and veracity? Was it ascertained from conversations with people in the neighborhood?—A. Yes, sir.

Q. And you learned his general reputation in that way?—A. Yes, sir. I heard Colonel Muldrow—he told me——

(Objected to by Mr. Pease.)

Mr. MCCASKILL. I am asking for the general understanding in the community. You know what that was?

The WITNESS. Yes, sir.

Q. (By Mr. MCCASKILL.) From his reputation—not from one individual statement, but from his general standing in the community—for truth and veracity, would you believe him on oath?—A. I know from what he said here, what he testified——

(Objected to by Mr. McKee. Objection overruled.)

The WITNESS. I would not believe him, because I heard him swear to a lie since he has been here.

Q. (By Mr. MCCASKILL.) Tell now what you know about the drumming and shooting of guns, &c., in the neighborhood where you were stopping.—A. I know that they were drumming in the neighborhood, right in sight and hearing of Mr. Spencer's house, and in close proximity to it; right across the hill; that they were drumming there from two to three o'clock in the morning, and hollering and hurrahing and riding along the road, shooting off guns, and going to houses where there were no servants on the place, and only women and children, and firing off guns in front of the house, and cursing the whites.

By Mr. PEASE:

Q. When was that?—A. That was just at that time when I was in the neighborhood.

By Mr. MCCASKILL:

Q. How many negroes were at Chapel Hill that night?—A. I can only tell by what one of the negroes said himself.

Q. How many did he say there were?—A. Between 150 and 200.

Q. Do you know how many whites were up there in response to the invitation?—A. Yes, sir.

Q. How many?—A. Eighteen.

Q. You have stated who were the ringleaders, have you not?—A. Yes, sir.

Q. Did you examine the body of Charles Curry after he was killed?—A. Yes, sir.

Q. State, if you know, how he was killed.—A. He had three buckshot in the back of his head.

Q. Was he a white man or a negro?—A. A negro. He had three buck-shot in the back of his head, and it was the impression of all present who looked at him that he was shot——

Mr. PEASE. I object to your stating what the impression was.

(Objection overruled.)

The WITNESS. I would state from what I saw that he was shot from inside the church; some of the negroes had shot him. They had attempted to shoot over their heads and had shot him in the head.

By Mr. PEASE:

Q. In the back of the head?—A. Yes, sir.

Q. And you say that he was shot out of the church?—A. If I saw you or anybody else shot under the same circumstances, I would say that you were shot from behind.

Q. You say that he was shot from out of the church, do you?—A. Yes, sir; he was standing in front of the church, and some of them were in the church, and they were shooting, and attempted to shoot over their heads and shot him in the back of the head.

By Mr. MCCASKILL:

Q. How many pistols, guns, &c., were captured?—A. There were eight double-barreled guns and four muskets—old United States muskets—and four of those large horse-pistols, about that long.

Q. How long is that?—A. Well, I should say about a foot and a half long. They talked about mounting them on wheels afterward.

Q. Do you know whether Outlaw was armed there that night?—A. I picked up Outlaw's stick that I had seen him with—a big club.

Q. A stick that you had seen him carry before?—A. Yes, sir; and they have it at Artesia for exhibition.

Q. Do you know where Mr. Bogan was?—A. He was about four miles from there that night; at Joe Askew's house.

Q. You know that from information derived from others, do you?—A. They told me so.

(Objected to by Mr. Pease. Objection overruled.)

The WITNESS. I will swear that he was not there. He boarded at Mr. Spencer's house, where my family was paying a visit. Askew and Sessums lived right side by side, and he might have been at Sessums's. Askew told me he was not there at Chapel Hill that night.

Q. (By Mr. MCCASKILL.) Did you examine the guns that were captured and see whether they had been recently discharged or not?—A. Yes, sir; they were handed to me, and I set them down in the room that my wife was sleeping in. The young men said they wanted them for testimony in court, to show that the negroes had fired them. The guns had been discharged, all except two, and two of them were cocked and not discharged.

By Mr. PEASE:

Q. You say you examined them in your room?—A. Yes, sir; I put them in my room for safe-keeping.

By Mr. MCCASKILL:

Q. After they were captured?—A. Yes, sir; after they were captured, and there were also twenty-five or thirty white-oak clubs which were to be used to kill the white men——

(Objected to by Mr. Pease.)

The WITNESS. I got this from a negro. A negro told me.

Mr. PEASE. We object to all that class of testimony.

Q. (By Mr. MCCASKILL.) State whether you heard anything from Spencer's cook about the fight.—A. She said there was going to be a fight at Chapel Hill church, and her husband was going to be in it, and she didn't want to cook supper. Her husband walked up in the evening and she was very happy over it, and went on and cooked supper.

By Mr. PEASE:

Q. What was the name of the cook who told you that?—A. Mahaley.

Q. This was the cook at your house?—A. The cook at Mr. Spencer's house, where I was stopping.

Q. Mahaley, the cook, said there was going to be a fight that night?—A. Yes, sir; and her husband was going to be in it.

By Mr. McCaskill:

Q. State whether or not any threats were made to burn Mr. Spencer's house.—A. We heard so. I could not swear to it. I know his house had to be guarded for a week or ten days afterward.

Q. What was it that Outlaw told you in Henry Turner's room in Starkville?—A. The language that he repeated to me about what Peter Lowry said was the remark that I repeated here; and he also told me that the negroes were just as much to blame as the white people. I told him right there that he was the instigator and cause of it, and he and Martin Washington, and those sort of men, ought to stop that thing, and he told me that if I ever heard a drum beat there again I might chop off his head on a block.

Q. Were you summoned before a grand jury about this affair?—A. A coroner's jury, yes, sir.

Q. Do you know why it was discharged?—A. Yes, sir.

Mr. McKee. That is a matter of record; that is not testimony.

Mr. McCaskill. I do not know whether that is a matter of record or not.

Mr. McKee. The statute says that everything is required to be taken down in writing.

Q. (By Mr. McCaskill.) What paper is that you have in your hand?—A. The testimony of Outlaw here.

Q. Notes that you took?—A. Taken in brief.

Q. State anything further that you may know about this occurrence.—A. That is about the purport of the whole matter. I wanted to clear Mr. Bogan. I know that he was not there. Outlaw swore positively that he was there, and I know positively that he was not. I know that the negroes began the firing; and at Starkville they promised to behave themselves and do better. Mr. Bell, the radical deputy sheriff, came down there and got some of the men who were accused, and went round to the negroes and told them all to go to work and behave themselves.

By Mr. Pease:

Q. You stated that the radical sheriff came down there?—A. The deputy sheriff.

Q. What did you say he said?—A. He said that he wanted to take one or two of these gentlemen with him that were accused of being in the fight, and they would go around to the plantations and show him where these principal niggers were—Outlaw and Lowry and Washington—and he would see them and tell them that the white people didn't want to have any further trouble, and that they must cease their trouble, and that if they would they could all go to work.

Q. How do you know that the radical deputy sheriff did this?—A. I was there when he came.

Q. You heard this conversation?—A. I know he took Mr. Bray off from there and went off with him, and that is what they said when they were going.

Q. Who said?—A. Mr. Bray; he would go with the deputy sheriff.

Q. You stated in your examination in chief that Outlaw told you—or the purport of what I understood your testimony to be was—that he would stop the beating of drums?—A. Have it stopped.

Q. Do you know whether he did not make an effort in that direction

in order to accommodate the people who complained about it?—A. I don't know whether he did or not; I think, perhaps, he did.

Q. I think he testified that he did make such an effort. You were here, and you have his testimony, have you not?—A. Yes, sir. He said if ever another drum was beat they might cut his head off.

By Mr. McCaskill:

Q. Was that after the fight?—A. That was after the fight.

By Mr. Pease:

Q. I think you stated that you attended a political meeting at a place called Choctaw Agency?—A. Yes, sir.

Q. At which Colonel Muldrow spoke?—A. Yes, sir.

Q. And the negroes were invited to attend a meeting at Chapel Hill?—A. The niggers were invited to attend this meeting that Colonel Muldrow spoke at, and there were a great many of them there.

Q. Did you say that the negroes invited the whites there; was that it?—A. Yes, sir.

Q. How many negroes were there at this meeting at Choctaw Agency?—A. I think there were upward of eighty or a hundred; I couldn't say exactly.

Q. Do you know the names of any negroes who invited the white people to attend at Chapel Hill?—A. No, sir; I don't know the names of any negroes there.

Q. Was Mr. Outlaw there?—A. No, he was not there.

Q. The negroes who invited the white people to attend that meeting were the negroes who lived in the vicinity of Chapel Hill, and who proposed to be at that meeting?—A. I suppose so; yes, sir.

Q. This invitation was given to the white people at Choctaw Agency, was it?—A. Yes, sir; Choctaw Agency, by some of the negroes. I could not tell the names, but I heard the invitation myself.

Q. You state that prior to this meeting, prior to the occasion at which the people were invited, the negroes had arranged to be at that meeting with arms and clubs, and all that sort of thing?—A. I did not know whether they had arranged or not. I did not say so.

Q. You stated, I think, that the negroes, prior to this meeting, were seen with arms, or you heard that they were carrying arms?—A. I saw them carrying arms to the church myself.

Q. And yet they had invited the white people to come there?—A. Some of them had. I could not tell whether they were the same negroes or not.

Q. Could you say that any negro invited white people to come there?—A. Yes, sir.

Q. Did you hear one?—A. Yes, sir.

Q. Who was it?—A. I don't know his name. I don't know any negroes, hardly, in that neighborhood.

Q. You do not know many negroes in that neighborhood?—A. Very few.

Q. How long had you been in the neighborhood?—A. I had been there since the Wednesday before.

Q. Had you ever been there before?—A. Yes, sir.

Q. How many times?—A. I have been there very often. I don't know how many times. I have traveled up there a great deal.

Mr. Pease. Just answer the question.

The Witness. I have been going there, off and on, ever since 1857—about twenty years.

Q. You have traveled in that neighborhood?—A. Yes, sir; through Mississippi.

Q. I mean in that immediate neighborhood?—A. Yes, sir; and Starkville.

Q. And you do not know any negroes?—A. I remembered a few of the names, because I asked who the ringleaders were.

Q. I think you stated that at this meeting at Chapel Hill, where the difficulty occurred, you saw a negro wounded with buckshot, in his head, and that guns were captured and taken to your house. I think you stated you did not attend that meeting that night.—A. I did not go up there until after it was all over.

Q. Did you not state that you heard some man—you could not tell whether it was a colored or a white man—give a command that night?—A. Yes, sir.

Q. And yet you were not there?—A. Yes, sir; I heard it distinctly.

Q. And yet you were not there?—A. Not right at the meeting.

Q. How far were you from the meeting?—A. About two hundred yards.

Q. You could not tell whether it was one of the whites who attended that meeting, or a negro?—A. I could not tell whether the word "halt" was given by a white man or a negro. I supposed from the direction from which it came——

Q. Never mind what you supposed. You were some two hundred yards away, were you not?—A. I suppose it was two hundred yards.

Q. What time in the day was the meeting held?—A. At night.

Q. Was it a moonlight night or a dark night?—A. I think it was a dark night. I ain't certain.

Q. Could you see the white men who attended that meeting that night?—A. No, sir.

Q. You did not see the colored men either, did you?—A. I did not see them.

Q. You could not tell, then, what was done?—A. Yes, sir; I knew pretty well what was done. I could hear them talking.

Q. How could you tell what was done if you did not see them?—A. I heard every word that negro spoke.

Q. And you were two hundred yards away?—A. I was there just right across the hill. I was on one hill and they were on the next hill. I could hear them very distinctly.

Q. Was he outside?—A. Outside.

Q. How do you know he was outside?—A. Because Outlaw said they were all outside. From the speaking, I think he must have been outside.

Q. You say from your examination of that man who was shot that you think he must have been shot from the inside of the house?—A. Yes, sir.

Q. You do not know whether the meeting was being held inside or outside, do you?—A. I know that some of the negroes were outside of the house—the most of them.

Q. How do you know they were?—A. I could tell from the way they talked—you could hear them so plain—that they were outside. If they had been inside, you could not have heard them so well.

Q. You were about two hundred yards away. You do not undertake to swear that the negroes fired first, do you?—A. Yes, sir; I do, to the best of my knowledge and belief.

Q. If you were two hundred yards away, you could not see the white men and you could not see the colored men. How can you come before

this committee and undertake to swear that the negroes fired the first shot?—A. By the flash of the gun on the right side of the road.

Q. Suppose the white men had fired at that time, could you have distinguished?—A. They were not on the right side of the road.

Q. How do you know that?—A. Because they could not have got on the right side of the road. I could show you a diagram of the church. I knew from the way the church was situated.

Q. You draw these deductions from other sources, then?—A. Well, I am willing to swear that the negroes fired first, to the best of my knowledge and belief.

Q. And you were two hundred yards away?—A. On top of one hill and they were on top of another.

Q. You say you could not see the colored men nor could you see the white men; and yet you undertake to swear that the colored men fired first?—A. From the location of the church, and the way the white men were, I know the negroes fired first.

Q. How do you know where they were?—A. Because they went down from Mr. Spencer's house and went over to the meeting all together.

Q. How do you know where they were located at that meeting? How do you know whether they were on the north side, or the west side, or the east side, or the south side of the church?—A. Just from what the white people say themselves.

Q. And yet you are willing to swear positively here upon what somebody stated to you?—A. I did not swear any such thing.

Mr. McCaskill. He said he would swear to the best of his knowledge and belief.

Mr. Pease. It is all a good deal of belief in this testimony.

The Witness. Yes, sir. Lots of it.

By Mr. Pease:

Q. What is your business?—A. Merchant.

Q. Where are you carrying on mercantile business?—A. Mobile, New York, New Orleans.

Q. What kind of mercantile business are you engaged in?—A. Selling groceries.

Q. Will you locate your place of business in Mobile?—A. Yes, sir.

Q. Please to give the place.—A. Seventeen North Water street is my office.

Q. Are you a member of a mercantile firm there?—A. No, sir; I attend to my own business.

Q. Have you goods there?—A. No, sir. I am a general traveling agent for Southern States.

Q. Then you are not a member of any established firm in Mobile?—A. No, sir; I am only employed by them.

Q. And yet you say you are a merchant?—A. Yes, sir; I am a merchant.

Q. Who employs you as a merchant?—A. I. & J. A. Joseph, 15 and 17 Crosby street, New York; the Standard Soap Company, Mobile, Ala.; D. Moffit & Co., steam refiners, 18 Peters street, New Orleans.

Q. Are you not what is denominated in common parlance a drummer?—A. Commercial tourist, now.

Q. You were making a tour at that time, were you?—A. All through the Southern States. I went there to visit my family. They were there at Mr. Spencer's, a relative.

Q. You stated in your examination-in-chief that Bogan was four miles from that place, at Mr. J. S. Askew's?—A. Yes, sir.

Q. How do you know he was there?—A. Mr. Askew told me so, and Mr. Bogan told me so. Mr. Bogan was not at Mr. Spencer's to supper, nor was he there that night. I asked him where he was, the next morning, and he said he was at Askew's. Bogan had been sick for several days.

Q. Then you can swear that he was not at this meeting only from what he told you?—A. To the best of my knowledge.

Q. What are Mr. Bogan's politics?—A. He is a democrat.

Q. Do you know whether Mr. Bogan was a member of the democratic club at Chapel Hill?—A. I don't know whether he was or not.

Q. Were you a member of that club?—A. No, sir.

Q. Did you ever attend any of their meetings?—A. No, sir.

Q. I mean at Chapel Hill?—A. No, sir.

Q. You never attended their club meetings?—A. No, sir.

Q. They had a club there, did they not?—A. They had a club.

By Mr. McCaskill:

Q. Was there a colored club?—A. There was one colored club, of which Outlaw was president, and there was a democratic club.

By Mr. Pease:

Q. You never attended that club?—A. No, sir.

Q. Was there a club meeting that night of the difficulty at Chapel Hill?—A. Not that I know of.

Q. I think you stated that an invitation was given to the white people to attend the meeting at Choctaw Agency, and you located yourself some two hundred yards away from this church. What was your business there at that time?—A. I was in Mr. Spencer's house.

Q. At his house?—A. Yes, sir.

Q. Were you in the house?—A. Sitting out on the front gallery.

Q. Were there any trees in the yard about the house between you and the church?—A. There were a few of them.

Q. There are quite a number of trees there, are there not?—A. There are a good many trees there. When I heard the command to halt, I walked down the yard and stood at the fence.

Q. I did not ask you that.—A. I thought may be you wanted to know the whole of it.

Q. Answer my question categorically, and that is all I will want of you. You say the guns were brought to your house?—A. Brought to Mr. Spencer's house.

Q. Where you were stopping?—A. Yes, sir.

Q. Who brought the guns there?—A. They were brought in by several parties.

Q. What time were they brought there?—A. They were brought there, I suppose, about ten o'clock at night.

Q. What time was it that the firing occurred down there?—A. Half past eight to nine.

Q. And at about ten o'clock they brought the guns there?—A. Yes, sir.

Q. You examined the guns, you say?—A. They were handed to me, and I put them in my room. They said they wanted them for safe-keeping.

Q. So that they could be carried before the grand jury if the thing was ever brought up?—A. Yes, sir.

Q. Who told you this?—A. I could not tell you the name.

Q. Who came with the guns?—A. There were several of them.

Q. Can you name one of them?—A. Yes, sir.

Q. What is his name?—A. Mr. Dismuke.

Q. Can you name any others?—A. Mr. Jordan.

Q. And yet you cannot tell which of these men requested you to keep the guns?—A. To please to put them in my room, they said.

Q. Who said this?—A. Mr. Dismuke.

Q. You have mentioned two of the men who brought the guns there. Were there any others?—A. I think they were brought in by two. If there were any more who brought them in I did not see them.

Q. You spoke about having clubs of a very peculiar character brought there?—A. Yes, sir.

Q. Were those clubs brought to your house?—A. Yes, sir.

Q. Who brought those?—A. I carried one myself.

Q. Where did you get it?—A. I got it at the church. I carried out the stick.

Q. When did you go to the church after the firing?—A. Just before daylight.

Q. Then the clubs were not all brought at the time the guns were, at ten o'clock? The clubs were gathered up the next morning, were they?—A. The clubs were all gathered up and laid along in a row.

Q. You say that was Mr. Outlaw's club, do you?—A. That was his stick.

Q. How do you know that?—A. I have seen him with it.

Q. Did you ever handle it?—A. No, sir; it was a very peculiar stick.

Q. What peculiar mark is there about that stick by which you could identify it?—A. It has got a knot on it about as big as my fist, and starts off large and tapers down.

Q. You say you never had handled that stick?—A. No, sir.

Q. Was there any name on it?—A. No, sir.

Q. Have you ever examined these sticks and clubs that these fellows carried about?—A. No, sir; I never saw one before that they carried about.

Q. I think you stated that there were a good many of them gathered up there.—A. White-oak clubs about four feet long, the handles trimmed; looked like handspikes, only they were trimmed at one end.

Q. It is possible that there might have been a few sticks like those gathered up there in the thickets, is it not?—A. I suppose they could.

Q. Are you willing to swear that that was Outlaw's club simply from having seen it in his hand?—A. Yes, sir; to the best of my knowledge.

Q. And your knowledge was obtained by simply seeing it once?—A. Yes, sir.

Q. How long a stick was it that you claim Mr. Outlaw had; can you state the length of it?—A. I could not tell exactly the length; about three feet or three and a half; as long as an ordinary umbrella.

Q. You say these clubs and staves resemble spikes?—A. Handspikes.

Q. What is the length of a handspike?—A. About four feet. They were about four feet long. Handspikes are generally trimmed at both ends, and these were trimmed at one end.

Q. You mean these clubs you saw there?—A. I saw them there.

Q. They were gathered up and taken to Artesia, were they?—A. No, sir; they were taken to Mr. Spencer's house.

Q. And afterward taken to Artesia?—A. Mrs. Spencer said there was enough of them to have fire-wood for a good while.

Q. You saw Mr. Outlaw have this big cane that you have described, did you? Had you seen any other colored man have a club that day?—A. No, sir.

Q. Had you before that?—A. No, sir.

Q. You say that these clubs, if I understood you in your examination-in-chief, were the clubs carried there by the negroes?—A. Yes, sir.

Q. How do you know they were the negroes' clubs?—A. Because I heard a negro say so.

Q. Do you undertake to swear, then, that the negroes did carry them there?—A. They were all laid in a row.

Q. You say that Mrs. Spencer said they would make good fire-wood?—A. Yes, sir.

Q. How do you know but that the negroes had these sticks there to make a fire?—A. I don't know whether they took them there for fire-wood or not.

Q. You know nothing about that, do you?—A. Only from what I heard.

Q. Was there a fire there that night?—A. No, sir. The negroes said that every negro in the company didn't have a gun, but he had a hand-spike.

Q. Just answer the questions as I propound them, and Mr. McCaskill can draw out anything that he wants.—A. I don't want to say anything that is not right.

Q. You say you examined the body of Charles Curry?—A. Yes, sir.

Q. And he had three buck-shot in the back of his head?—A. Yes, sir.

Q. Where was Curry when you saw him and examined him?—A. Lying right in front of one of the windows of the church.

Q. How far from the church?—A. About eight or ten feet.

Q. What sort of a building was this church?—A. A wooden, frame construction; like a regular ordinary country church.

Q. Built of logs?—A. No, sir.

Q. How high were the windows from the ground?—A. The highest window from the ground was about—after you got up the steps——

Q. How high was it from the ground?—A. Say four or five feet.

Q. Have you ever measured it?—A. No, sir. I just presume that. I have been by the church very often.

Q. What was the position of the body of this colored man—Mr. Curry—when you found it?—A. He was lying sort of on his side with his head down, lying right flat on his back.

Q. At what time did you see the body of Curry?—A. I saw him just before day.

Q. What time was it you heard the firing down there?—A. About nine o'clock—between eight and nine.

Q. After you heard the firing how long was it before you went?—A. Just before day.

Q. Can you swear that that body had not been moved from the time it was shot?—A. I cannot.

Q. And yet you undertake to say here that the shot must have been fired from the window of that church because of the shot being from the back?—A. Yes, sir.

Q. And yet you were not there and you saw none of this? You were two hundred yards away, and you found this body a number of hours after the fracas had occurred, and yet you have stated here that in your opinion he was shot out of the window; and the inference to be drawn is that he was shot by the negroes from the inside of the building?—A. That was what the coroner's jury thought.

Q. Never mind about that. I want what you *know*. You do not know but that he might have been removed by some of the white men or

colored men there that night, do you ?—A. I don't know anything about that.

Q. Were there any white men injured that night ?—A. No, sir. Two were shot through the hat.

Q. Who were they ?—A. Mr. Sessum was one. He is here.

Q. He was shot through the hat, was he ?—A. Yes, sir; and I think through the coat. I am not certain. He can testify to that himself.

Q. From the position you occupied there—— ? —A. One other young man was shot. I am trying to recollect his name. I know that two of them were shot right through the hat.

Q. From the position you occupied—two hundred yards away—you think there was firing on both sides, but that the negroes commenced first ?—A. Yes, sir. I know there was firing on both sides.

Q. How do you know it ?—A. Because after the negroes had discharged thirty or forty rounds it seemed like we heard the white men holler out; and as they charged and gave a yell the negroes ran and dropped their guns, hats, caps, and everything else.

Q. You were two hundred yards away, and they fired thirty or forty rounds, and then the people hollered out ?—A. Hollered.

Q. And you swear that you know the negroes fired first ?—A. To the best of my knowledge. The negroes were on the right-hand side of the road, and I will swear to that, right now, without any knowledge——

Q. (Interrupting.) Without any knowledge ?—A. I was going on with your question. Leave that "without any knowledge" out. I was speaking to their being on the right-hand side of the the road.

Q. How do you know that they were on the right-hand side of the road ?—A. I could tell them, and you could tell them, too, if you heard them speak.

Q. How do you know that you were on the right-hand side of the road ?—A. Because the church is on the right-hand side of the road, and the white men were on the left.

Q. How do you know that ?—A. Because everybody else goes that way. You or anybody else would have gone that way.

Q. How do you know that the white men were around on that side ?—A. I could hear them walk.

Q. Two hundred yards away ?—A. You could hear them walking and talking. You could hear a man talking from the church in the voice I am talking in now. It was right on top of a hill.

Q. Was there not thick, heavy timber between Mr. Spencer's house and this church ?—A. No, sir; no timber at all.

Q. There was no timber at all ?—A. No timber at all. There may have been four or five trees along between.

Q. Was it a clear, open space between the two places ?—A. Yes, sir.

Q. You say it was clear, open space, do you ?—A. Except a few trees in between.

Q. How many trees should you think there were ?—A. I don't suppose there were over a dozen. There might have been some little underbrush up about the church, but I don't think there was any trees hardly; very few trees. There were a few trees around the church, but very few between me and the church.

Q. I think you stated that the reputation of Mr. Outlaw was bad in that community ?—A. Very bad, from the way that he had been acting there during the campaign.

Q. Never mind that; answer my questions yes or no. I think in answer to a question put to you in your examination-in-chief in relation to the character of Mr. Outlaw that you said, "I know what it was at

that time." How long have you known Mr. Outlaw?—A. I first knew him about twenty years ago.

Q. What was his character then?—A. I didn't know anything about his character.

Q. And you knew him twenty years ago?—A. Yes, sir.

Q. Have you had any means of knowing anything about his character?—A. I have not known much about him since, until last—some time previous to this fight.

Q. How long previous to the fight?—A. Say a few days.

Q. And in that few days you obtained information enough—— A.—(Interrupting.) I obtained information that he was one of the ringleaders of all the trouble in that country.

Q. You obtained information that he was one of the ringleaders; how did you find that out?—A. Captain Sessum told me for one. Colonel Doss told me for one. Mr. Harvey told me for another.

Q. Did you see any other people who spoke about it?—A. Mr. Bray told me, Mr. Jordan, Mr. Dismike, Mr. J. O. Henry, R. S. Turner. Do you want any more?

Mr. PEASE. Yes; just give them all.

The WITNESS. Thomas Peters, Isaac Sessum, Mr. Carpenter, Mr. Parish, and a number of others; but I don't recollect all their names.

Q. What were the politics of those men?—A. All democrats.

Q. Were they all democrats?—A. Every one of them.

Q. I would like to have you state to the committee how it is that all these men you have enumerated here have each of them said to you that Mr. Outlaw was the ring-leader? State the circumstances.—A. In general conversation, both at Mr. Spencer's house and at Starkville, Miss., and a great many more.

Q. Each one of those men have told you that?—A. Yes, sir; told me a great deal more than that.

Q. But you swear here that each one of these men have said to you that Outlaw was the ring-leader, in so many words?—A. Yes, sir; in so many words. Do you want to know what else they said?

Mr. PEASE. You can answer my questions.

The WITNESS. If you want anything else I will tell you considerably more.

Mr. PEASE. We want to know how you get your general knowledge of these things. Does not Mr. Outlaw own property at Chapel Hill?—A. Not that I know of.

Q. Do you not know that he owns a little place there, and carries on farming?—A. No, sir.

Q. You do not know much about him, do you?—A. He is a carpenter; I know he works at the carpentering trade.

Q. What you know about his character is derived from what these democrats told you during a heated political campaign?—A. No, sir; it was not very heated then.

Q. Do you say it was not heated?—A. The negroes and white people were getting along very well up there.

Q. When was it you heard about his being a ring-leader?—A. After the fight.

Q. They got along very well afterward, did they?—A. They got along pretty well after the fight. There was over two hundred of them turned out at Starkville to hear Colonel Muldrow and Mr. Barksdale.

Q. This was after the fight?—A. After the fight.

Q. I think you stated that while you were in the neighborhood, at this time you spoke of, the negroes were going about shooting, and

carousing, and beating drums, and so forth. How long were you in the neighborhood?

The WITNESS. During this time?

Mr. PEASE. Yes, sir.

A. About five weeks.

Q. How many times did you hear the negroes shooting?—A. Several times. I could not tell how many.

Q. Where was it?—A. I heard them shooting going by Mr. Spencer's house once; and then I heard a negro named Jeff. Gregory, who was wounded in that fight, and died afterward—I heard him say, "I am going to raise some more of the clubs, and kill every damned white man in the whole country, or we will have our own way." He was riding by the house.

Q. You heard him say that when he was riding by the house?—A. Yes, sir.

Q. When was this?—A. That was the evening of the fight; I and Mrs. Spencer said that she hoped he would be killed.

Q. Mrs. Spencer told you that he ought to be killed, did she?—A. No, sir; she hoped that he would be killed, as he said he would kill every damned white man.

Q. Where was he when he made that remark?—A. Riding right by the house.

Q. Was anybody with him?—A. No, sir; he was riding at full speed; and hollering and hurrahing "God damn them, we intend to kill every white man, or we will have our own way." I heard him say that myself,

Q. How far were you from the road?—A. I was about thirty or forty yards.

Q. That was one occasion when you heard these threats. On what other occasion did you hear threats, and shooting, and so forth?—A. There was a negro who went to Mr. Dorsey Outlaw's house. He was absent from his home, and there was nobody but his wife and four little children and the girl here. He loaded a gun and fired it, and cussed the white people, right in front of the gate.

Q. Did you see that?—A. I didn't see it.

Q. Who told you that?—A. Mr. Dorsey Outlaw.

Q. You said in your examination-in-chief that from the knowledge you had gained at that time of Outlaw's reputation you would not believe him under oath.—A. No, sir; I would not. Not at that time. From what I know here, from what I have heard him swear to here——

Q. (Interposing.) What has he sworn to here?—A. He swore that he saw Mr. Bogan shoot Mr. Charles Curry.

Q. It is upon that that you base your opinion, is it?—A. That is one of the things.

Q. What is another one?—A. Numerous things. If you will let me see his testimony, I will tell you about it. [The witness here looked at the notes of Outlaw's testimony taken by himself.] He says in his testimony that the negroes had to sleep in the woods; the whole neighborhood slept in the woods three weeks. Charley Green, Martin Washington, and himself slept out at night, because their lives were threatened.

Q. Upon that and the statement you have mentioned you base your opinion that you would not believe him under oath?—A. That and the statement about Bogan and the other things; but those two were enough.

Q. And upon this you say you would not believe him under oath?—A. No, sir; I would not believe him under oath.

Q. Now, upon the statement that he made about Mr. Bogan being there, you swear that you would not believe him under oath, do you?—A. That is a part.

Q. You are not willing to swear that Mr. Bogan was not there that night, are you?—A. Yes, sir; I am.

Q. How can you swear that?—A. Mr. Bogan got Mr. Spencer's horse and went over to Mr. Sessum's and Mr. Askew's that night, and he didn't get back until the next morning. He didn't bring the horse back.

Q. Where were you?—A. At Mr. Spencer's.

Q. How far from there is Mr. Askew's place?—A. Four miles.

Q. Do you undertake to say that you can tell this committee where he was from the time he took that horse until he came back?—A. To the best of my knowledge and belief, because Mr. Askew and Mr. Sessum, himself, said so.

Q. Then you are willing to swear, as to the character of the witness, that you would not believe him under oath because Mr. Sessum told you that Mr. Bogan was not there at Chapel Hill that night?—A. That is one of them.

Q. The other one you stated was in relation to his testimony about men staying out in the woods?—A. Yes, sir.

Q. You say that was false, do you?—A. Yes, sir.

Q. How do you know that was false?—A. These gentlemen that worked the negroes that he said slept out in the woods say it is not so.

Q. You are swearing here upon somebody's else say-so, then, are you?—A. This Outlaw told me himself that he was going to stop all that disturbance.

Q. Then there was a disturbance there?—A. Yes, sir.

Q. And there was some cause for negroes entertaining fear; so much so, that you had to make some arrangement to quell the disturbance?—A. O, yes, sir; the negroes went over there with guns, and of course that looked like business.

Q. When did they go with guns?—A. That evening.

Q. You were there several weeks, were you not?—A. Yes, sir.

Q. Do you not know that there was a great deal of excitement all through that country?—A. There was no excitement up to that time, and there was very little right afterward; none at all. It quieted down.

Q. Do you know that there were a number of armed organizations in that county during that canvass?—A. No, sir.

Q. You did not know that?—A. No, sir; I did not.

Q. Do you know what is the political complexion of that county? Whether it is republican or democratic?—A. Yes, sir.

Q. What has it been?—A. It has been republican.

Q. How was it at the last election?—A. Democratic.

Q. Then you base your knowledge, upon which you are willing to swear before this committee that you would not believe Mr. Outlaw under oath, simply upon what certain parties have told you in relation to their negroes?—A. From what he has told me and what he has testified here before this committee.

Q. How do you discriminate? How do you know whether he told the truth before or whether he told a lie here?—A. He has told so many lies here in his evidence that I would not believe him under oath.

Q. There are two of his statements which you say are lies, and yet you base your knowledge as to those upon what somebody else told you. You are a man who has seen something of the world and know something of the reason and nature of things. I want to know, upon that

kind of reasoning, whether or not Mr. Outlaw or anybody else could not come on the stand here and say they would not believe you ?—A. I don't know whether they would or not.

Q. I will suppose a case: Suppose Mr. Outlaw should come here and say that A, B, and C——

Mr. McCaskill. I object to that. I am perfectly willing to have you ask him about his means of information as to this man's character for truth and veracity, but I am not willing to have you suppose a case. There is no rule of evidence for that.

Mr. Pease. This is very serious testimony, and I am endeavoring to arrive at the witness's judgment.

The Witness. I will just tell you, from general knowledge and my own knowledge of Henry Outlaw, that I would not believe him on oath.

Q. (By Mr. Pease.) I want to know whether or not upon that hypothesis any man could not come upon the stand and say he would not believe any other man who had testified under oath, provided he could swear that some of his neighbors had told him a different story at some other time ?—A. I know enough myself not to believe him.

Q. You say you were acquainted with him twenty years ago ?—A. I knew him twenty years ago. I have not been acquainted with him all the time. I have not been mingling with him all the time.

Q. You spoke in your examination-in-chief about some Peter Lowery, who had made a very severe incendiary speech against the white people. What do you call an incendiary speech ?—A. Killing white people and wading in their blood.

Q. Where was that speech made ?—A. That was at the Chapel Hill church at the night of the riot.

Q. And yet you were not there ?—A. No, sir; but I heard every word of his speech.

Q. You say you were two hundred yards away, do you ?—A. Yes, sir.

Q. And you swear that he made that speech ?—A. I do.

Q. Are you acquainted with Peter Lowery ?—A. Outlaw is as good a witness as I want.

Q. Answer my question.—A. Yes, sir; I know him.

Q. How long had you been acquainted with him ?—A. Just saw him in Starkville.

Q. But yet you could distinguish his voice so that you could swear it was he who was making the speech ?—A. Outlaw told me that.

Q. Then the information you have in regard to Lowery making this incendiary speech is what somebody else told you, is it ?—A. Yes, sir.

Q. You say, "I heard a command to halt, and don't know whether it was by the white people or the colored people." I think you stated that ?—A. Yes, sir.

Q. What is your business now ?—A. The same business I was in. I have told you that about three times. I believe.

Q. You told what it was at that time. You are in the employ of that firm now, are you ?—A. Yes, sir: three firms.

Q. Have you been seeking an official position here upon the contingency of Mr. Tilden's election ?—A. No, sir; I stand a better chance if Hayes is elected.

Q. Why do you stand a better chance under Hayes ?—A. I was from Alabama, and Senator Spencer gets all our men positions down there, and Spencer and I are good friends, and I would ask him if I wanted one.

Q. Have you been speaking to anybody about a Government position ?—A. No, sir.

Q. Before you came here?—A. No, sir.

Q. Or at any time?—A. The only time was when I voted for Bromberg in Mobile; and it was said in Mobile by several that I voted for Bromberg for the purpose of getting a postmastership.

By Mr. McCaskill:

Q. That was said as a joke, was it?—A. Yes, sir.

By Mr. Pease:

Q. What are your politics?—A. It is a hard matter to tell until that commission gets through.

Q. I ask you what your politics are now.—A. I am a sort of a conservative-democratic-liberal-republican.

Mr. Pease. Put that down.

The Witness. No, sir; don't put that down. I am a democrat in politics.

By Mr. McKee:

Q. Have you been arrested?—A. No, sir; never in my life.

Q. Or indicted?—A. No, sir.

Q. Are you indicted in connection with this riot?—A. No, sir; I was an outsider entirely.

Q. Who fixed up the testimony?—A. Which testimony?

Q. The testimony you have been giving?—A. That I have just given?

Q. Yes, sir.—A. What do you mean?

Q. Answer that question.—A. I fixed it up myself.

Q. Who gave Senator McCaskill the minutes of your testimony?—A. Colonel Money gave it to him, I reckon.

Q. Who gave it to Colonel Money?—A. I don't know that you have any right to ask me that question.

Mr. Pease. Answer the question.

The Witness. Has he got a right to ask me that question?

Mr. McKee. I have a perfect right to ask you any question.

The Witness. I have a perfect right to object to answering, which I shall do.

Mr. McKee. Do you refuse to answer?

The Witness. I do.

Q. (By Mr. McKee.) Did you not fix up a schedule or programme of what you would swear to and give it to a certain person?—A. I refuse to answer.

Mr. McCaskill. Those are some questions written out by Mr. Money, I suppose, to be asked him.

Q. (By Mr. McKee.) Do you refuse to answer that question?—A. I give this testimony myself of my own free will and accord and upon my oath; and I don't intend to answer.

Mr. Pease. I am here representing this committee, and you must not insult the committee.

The Witness. I represent myself. I do not intend to insult the committee, but that is not a proper question to ask me. I have got no feeling in the matter at all.

Q. (By Mr. McKee.) You refuse to answer in relation to that point, do you?

The Witness. What is the question you ask?

Mr. McCaskill. I think he answered it. He says he fixed it up himself.

The Witness. I fixed up my testimony myself. I saw Outlaw's testimony. I think that is right. Wouldn't you have done it?

Mr. McKee. Do not ask me. You are the witness.

The Witness. I sat here and took his testimony. I have seen him talking to you all.

Q. (By Mr. McKee.) Who arranged that schedule of questions to be asked you?—A. I do not know that you have a right to ask me that.

Q. Will you answer that question or not?—A. I just refused to answer.

Q. Who has conversed with you in relation to how you were to testify in this matter?—A. I don't know that I have, particularly, with anybody in regard to the whole testimony; but with these Mississippians here, we have talked about it all the time; talked about it among ourselves, just like talking about politics or anything else. They have not got a single note of what I was going to say.

Q. But you have?—A. I have got Outlaw's testimony.

Q. And you have other notes?—A. No, sir; I have not.

Q. Have you made up another record?—A. No, sir; none in the world.

Q. Who made up that record which Senator McCaskill has?

Mr. McCaskill. I suppose Mr. Money made that up; he gave them to me.

The Witness. Those are the questions Mr. Money wanted to ask me, and I wrote them out myself from this testimony.

Q. (By Mr. McKee.) Then you and Mr. Money arranged the series of questions, did you?—A. No, sir; we did not.

Q. Did you arrange it yourself?—A. I picked out these questions after reading this testimony, and arranged the testimony. Here are the questions. You can put them with it if you want to. There is Outlaw's testimony.

Q. Then that arrangement as to your testimony was made by you and Mr. Money, was it?—A. No, sir: it was not.

Q. Who was it made up by?—A. Nobody. I made an arrangement with no one.

Q. The arrangement of the testimony, I am speaking of?—A. I am talking about that. No one made any arrangement about it.

Q. Did that paper write itself?—A. No, sir.

Q. Who did write it?—A. I wrote it.

Q. Did you give it to Mr. Money?—A. I handed it to Mr. Money to ask me, and Mr. Money handed it to Mr. McCaskill. I made out the questions according to this.

Q. No matter what you made it out according to. You made that statement, did you?—A. I made a memorandum for Mr. Money. Mr. Money knew nothing about the case.

Q. Have you not threatened the witness Outlaw repeatedly since you have been here?—A. No. sir.

Q. What have you said to him?—A. I told him that when he got home he ought to be arrested for perjury, he told such infamous lies.

Q. Did you use the word "perjury" at all?—A. I did.

Q. Are you positive of that?—A. Yes, sir.

Q. What else did you say?—A. That is all.

Q. Did you say nothing else?—A. He said he didn't swear to any lies. I said, "Outlaw, you know you did." That was down on the street.

Q. What else did you talk to him about?—A. That is all.

Q. You made only those two remarks?—A. I have talked to him and met him in the hall here casually, but nothing about this question.

Q. What have you told him would be done to him?—A. Never a thing. I don't live in that country at all.

Q. And that is all you told him, is it, that he ought to be arrested for perjury when he got home?—A. He ought to be for telling this lie on Bogan, saying that he ought to be arrested for perjury for saying that Mr. Bogan killed Curry, when Mr. Bogan was not there.

Q. And that is all the threat you have made, is it?—A. Yes, sir.

Q. Have you not stated here that "your side"—using these words—were prepared to break down Outlaw's testimony?—A. No, sir.

Q. Did you not so state to me?—A. No, sir; I said I wanted to be examined to rebut Outlaw's testimony, because outlaw had testified to what was not so, and as we only had one witness, as they said, who could be examined on that side, I wanted to rebut his testimony. I wanted to clear Mr. Bogan. The principal thing of this whole testimony was to clear Mr. Bogan of that testimony. If you had been charged here, I would have cleared you, if you were a radical, no matter on what side you would have been.

Q. We want facts, and not your ideas. Then you were selected as the one to rebut Outlaw's testimony, were you?—A. No, sir.

Q. Knowing that you were the only one?—A. I was summoned.

Q. I mean when we had got so near to the end of the investigation, you were selected because no more witnesses could be examined?—A. No, sir. I was the first one to arrive here, and I wanted to be examined a long while ago. I don't know whether you know it, but Senator Kernan knows it. I wanted to get away long ago.

By Mr. PEASE:

Q. You came here especially to testify in relation to Outlaw's statement in regard to Bogan, did you?—A. No, sir; I came here to testify in regard to the riot at Chapel Hill Church. But I wanted specially to be examined to clear Mr. Bogan of something that I knew he was not guilty of.

By Mr. MCCASKILL:

Q. You wanted to be summoned?—A. Yes, sir; I wanted to be summoned to clear Mr. Bogan.

Mr. MCKEE. Do not suggest anything to the witness.

Mr. MCCASKILL. There has been a great deal of latitude here.

The WITNESS. I do not intend to take any latitude.

By Mr. MCKEE:

Q. Are you now employed by this house you mentioned?—A. Yes, sir.

Q. What pay do you get?—A. That is my own business.

Mr. MCKEE. And it is our business also.

The WITNESS. No, sir. I refuse to answer.

Mr. MCCASKILL. That is a private matter.

Mr. MCKEE. Not at all. I am prepared to show that he is not employed by these houses; and that is why I want him to answer specifically.

Q. Are you employed by these houses?—A. Yes, sir.

Q. (By Mr. MCKEE.) In what manner?—A. Employed to travel for them.

Q. To solicit custom and sell goods?—A. There is one of my cards. [Handing a card to Mr. McKee.]

Mr. MCKEE. That proves nothing; I could have the same cards printed.

The WITNESS. Yes; I know you could.

Mr. MCKEE. Any printing-office could print those. Are you employed now?

The WITNESS. I don't think you could get that card.

Mr. MCKEE. Are you swearing to that?

The WITNESS. No, sir.

Mr. MCKEE. Do not state anything that you are not willing to swear to.

Mr. PEASE. Remember that you are here under under oath.

The WITNESS. Remember that he said he could go and have them printed, and insinuated that I had done it.

Mr. PEASE. Mr. Witness, you are a witness on the stand, and I am representing this United States Senate committee, and I want you to hold this committee in the same respect now as if the members of the committee were present.

The WITNESS. Yes, sir; I will. But he should not tell me——

Mr. MCCASKILL. I represent one side here, and I suppose I can be heard. I say it was not proper for Mr. McKee to insinuate that the witness was an imposter.

The WITNESS. If you want my character represented, you can have it done right here in town.

Mr. MCKEE. You are the best witness yourself in this matter, if you will answer these questions. This card reads that you are general commercial traveling agent for the Southern States, but does not say whom you represent.

The WITNESS. Read the whole card.

Mr. MCKEE. It gives offices at three different places—Mobile, New Orleans, and New York—but gives no names of firms.

The WITNESS. Mr. Reporter, haven't I given the names of the firms I am employed by?

Mr. PEASE. The reporter is not supposed to be carrying on this examination.

Q. (By Mr. MCKEE.) Are you employed by that New York house, now?—A. Yes, sir.

Q. Is it in the nature of employment?—A. Yes, sir.

Q. On a salary?—A. Yes, sir.

Q. Then you have a salary, have you?—A. I sell goods for this house, and they pay me for selling them.

Q. Is that a salary?—A. It is more than a salary.

Q. It is a commission, is it not?—A. It is a commission.

Q. Then you are selling goods for this house on commission?—A. Yes, sir.

Q. Are you selling goods for the New Orleans house on commission?—A. Yes, sir.

Q. And for the soap-house on commission also?—A. Yes, sir; I am not selling now while I am here, but I am when I am at home.

Q. Were you selling up to the time you have testified about?—A. Yes, sir.

Q. Are you going back? Well, no matter about that.—A. I might stay here and get a position under Hayes, for all I know.

By Mr. MCCASKILL:

Q. Mr. Pease asked you why you had taken up a position two hundred yards from that church, and you started to explain that you were on the gallery when you heard the command "halt" given, and then you walked out. Explain why you happened to be out.—A. I was sitting on the gallery, after supper, smoking.

Q. You may explain about that.—A. When I heard the command given to halt and heard the men walking, I walked down toward the fence to see what it was.

Q. Could you hear distinctly from there?—A. Yes, sir.

Q. And you heard this speech of Lowery's?—A. Yes, sir; distinctly.

Q. Outlaw and others told you that it was Lowery's speech?—A. Yes, sir.

Q. And from what they said, and from what you heard, you swear it was his speech, do you?—A. Yes, sir.

Q. And the language you have repeated here is the language that was used by that speaker?—A. Yes, sir.

Q. Did they have any fires at the church that night?—A. No, sir.

Q. Were these clubs which were found there green clubs or old clubs?—A. Just cut.

Q. Then they were not such as would have been taken there for the purpose of a fire?—A. No, sir.

Q. Did you hear the negroes afterward own them as their clubs?—A. I have heard the negroes say that the clubs were carried there to give to them—to knock the wounded in the head that were not killed.

Q. Now as to this memorandum of what you knew about that difficulty there: I will ask you to state whether this is not a memorandum of what you know about that transaction, and whether it was not written out by you and handed to Mr. Money because he was not familiar with the facts?—A. Yes, sir; he said he knew nothing about it, and requested me to hand him a memorandum.

Q. A memorandum of what you knew and of what occurred there?—A. Yes, sir.

Q. It was merely to guide him in examining you?—A. In examining me.

Q. And not gotten up by any arrangement between you and him, or anybody else?—A. No, sir. He never knew that I was going to give it to you. In fact, it was sent back to me. I had it this morning.

Q. Are there not other witnesses here to be examined from that neighborhood?—A. Yes, sir; four of them.

Q. They are to be examined with regard to Outlaw's character. You stated that from your own knowledge of what he has stated here, and your knowledge of the man and of his reputation, which you have learned there in his neighborhood, you would not believe him on oath?—A. No, sir; I would not.

By Mr. MONEY:

Q. What was the negro's name who told you about the clubs?—A. A negro didn't tell me about the clubs.

Q. You have just stated that one did tell you.—A. I say that a negro named Matt Parish told Mr. Parish, and Mr. Parish told me. Matt said they carried them in.

Q. I want to have this understood about Lowery's speech. You say you heard Lowery's speech, do you?—A. I heard Lowery's speech; yes, sir.

Q. And you have quoted it as nearly as you could?—A. O, no; just a few words.

Mr. MCCASKILL. I object to your going into Lowery's speech again, because I examined him first on it and then you cross-examined him. I only object to it for the reason that there will be no end to this investigation if we do not stop here.

(Objection overruled.)

The WITNESS. I said I heard Lowery's speech, and I quoted a part of it there. That was the most incendiary speech I ever heard, by black or white, in my life.

Q. You listened to it attentively, did you ?—A. Yes, sir ; I did.

Q. But that interest in it did not draw you to the church ?—A. It would make a white man's blood boil, I don't care what party he belonged to.

Q. But your interest did not draw you to the church, did it ?—A. No, sir ; I didn't draw that far.

Q. You listened to it two hundred yards away ?—A. I kept that far from there.

H. R. WARE sworn and examined.

By Mr. PEASE :

Question. Where do you reside ?—Answer. I reside in Jackson, Mississippi, at present.

Q. Where were you born and raised ?—A. I was born and raised in Kentucky. I went to Mississippi when I was a boy, and have resided there ever since.

Q. What is your occupation ?—A. I am a lawyer by profession.

Q. Do you hold any official position at present ?—A. Yes, sir ; I am assistant United States district attorney for the southern district of Mississippi.

Q. Have you held any special position in the republican party connected with its organization ? If so, state what it is.—A. Yes, sir ; I am chairman of the State executive committee of the republican party of the State.

Q. Will you state to the committee what you know of the character of the late presidential canvass in Mississippi as relates to any intimidation or violence.

The WITNESS. You wish, I presume, to confine this examination to the canvass of 1876 and 1875 ?

Mr. PEASE. 1876 and 1875.

A. My testimony as to the canvass of 1875 is in the Boutwell report, which I can refer to.

Q. You may state as to the canvass of 1875.—A. I will say that I will simply refer to the examination before the Boutwell committee in reference to the 1875 canvass, which I suppose will be sufficient. I take that as my testimony.

Q. State anything that you may know in relation to the canvass of 1876.—A. The intimidation and open direct acts of violence which characterized the canvass and election of 1876 was but a continuation of the same system which was so generally and so successfully carried out in the canvass and election of 1875. A very general impression prevailed amongst democrats, and to some extent with republicans, at the opening of the canvass last summer, that the effects of that remarkable canvass and election of 1875, and the violent manner in which it was carried, had so completely demoralized the republican party that that alone would be a sufficient intimidation to keep colored republicans from the polls, without the necessity of the political regulators of the democratic party resorting to overt acts of violence, especially when as an auxiliary to this was the remarkable registration law passed by the legislature of 1875, which looks as if it was enacted to defeat rather than to protect voters in their elective franchise. As a single instance, among many others I might give of this impression with the democratic party, the Vicksburgh Herald said at the opening of the canvass, "It will not be necessary for democrats to fire any guns to do the work; only pop a few caps, is all that is necessary." While this was the impression of the democrats——

Mr. McCaskill. I object to the impressions of the people being stated.

(Objection overruled.)

The Witness. I simply pursue this course because a precedent has been set by Major Barksdale and other democratic witnesses, as you know. They introduced the addresses, speaking of the Vicksburgh riots and the Clinton riots, and the impressions generally.

While this was the impression of the democrats, that only a trifling demonstration would be sufficient to keep from the polls the already paralyzed colored republicans of the State, the republican party of the State also entered the canvass last fall with grave apprehensions that an effort upon their part to make a canvass of the State and bring out the full vote of their party by a usual organization of it, would only result in enraging the ultra and desperate element of the democratic party (which element controls absolutely the party in the State) to a renewal of the riots and individual violence which carried the State for the democratic party in 1875. Believing that this would be the result, many leading republicans of the State advised a total abandonment of the canvass and election in its incipiency. A majority, however, determined to make an effort to make the canvass, and the State executive committee issued an address to the republicans of the State. The opening sentence in this address fully explains the condition of the party, and its hopelessness toward being allowed the privileges of freemen in that canvass and election. I will read this sentence, only to show that even then we had reason to fear what, later in the canvass, was so fully realized:

> In a State whose civil government has been overthrown, and whose power has been usurped by force, fraud, and intimidation, where the usual means for canvassing for votes by arguments and appeals addressed to the judgment and patriotism of men have been abandoned, and where mob violence, unfair registration, and fraudulent counting of votes are notoriously relied upon to perpetuate the unlawful rule of the political party now in power, had we not an abiding faith in the final triumph of truth, right, and justice, it would be little else than folly to engage in the preparation of a formal address to the downtrodden and disheartened republicans of Mississippi. Under other circumstances it would be an easy and pleasing task to analyze and exhibit the soundness and correctness of that platform of immortal principles adopted at Cincinnati, as well as to portray, in natural colors, the excellence of the character of those pure men and patriotic statesmen, Rutherford B. Hayes and William A. Wheeler, who have been selected as our candidates. Under more favorable auspices, such as are enjoyed by freemen in other States, the present political campaign would indeed be an occasion for mutual congratulations and rejoicings, for it has never occurred in the history of this country that a party has commended itself to the confidence and support of the people in stronger claims, in its principles and candidates, than those now presented by the republican party; and no future event is more certain than that Hayes and Wheeler will carry this State by a majority of 30,000, if impartial registration, free speech, and a free ballot and a fair counting of votes shall prevail in the election.

I will ask you now, without reading it, to incorporate the address of the State executive committee, for this reason, that it contains a great many statistical facts, which, if I don't have to repeat them here, will save time, and I can be examined on them.

Mr. Pease. You may submit it.

The Witness. I can hand it over to the committee to cross-examine me on.

Mr. McCaskill. I object to the address coming in unless it is sworn to by somebody.

(Objection overruled.)

Mr. Pease. The democratic address has been put in.

The Witness. The grave doubts and fears set forth in this address were fully realized as the canvass progressed. The democratic party did not rely alone upon the effects of the canvass of 1875, or their regis-

tration-law, which seemed to have been conceived, in the interest of humanity, so as to carry elections without the shedding of blood; but in almost every part of the State republican meetings were broken up by force and bloodshed. Political regulators of the democratic party, armed, attended almost every republican meeting which we held in the State.

Mr. McCaskill. I object to the statement about the registration-law.

(Objection overruled.)

The Witness. When a republican speaker would say anything distasteful to them, or which was not true, they being the judges of its truth, he would be grossly insulted, called a "liar," and informed that he could not proceed except with such remarks as might be sanctioned by these political supervisors. Armed bodies of men, for some time before the election, rode at nights in most of the neighborhoods in the State, visiting the houses of colored republicans, especially those who were active or at all prominent in politics.

By Mr. McCaskill:

Q. Do you speak of that from your own information or from information derived from others?—A. I just proposed to have you make a minute of this and examine me when I get through. I understand your objection applies to the whole of my statement, and you can cross-examine me on it.

By Mr. Pease:

Q. This is derived from information received as chairman of the republican central committee, is it not?—A. Yes. A great deal of it, I will say, is from my own information. Many of these men were taken from their cabins and shot or whipped. To such a cruel extent was this carried, that in many neighborhoods, before the election, colored republicans were afraid to, and did not, sleep in their cabins, but in the woods or where they could, to avoid these lawless men. These men, while committing these depredations, would use this potent argument to their terrified opponents: "If you want peace, vote with us; join our club, and we will protect you." To protect themselves and families, and to sleep in their cabins without fear of violence, need I say that these arguments prevailed, and under these influences many "joined the clubs," as directed, and "voted the democratic ticket," as instructed. And now and in the future they will continue to do the same under similar circumstances, or anything they are directed to do by those who have them completely in their power. The object evidently was to make the terrorism so complete and paralyzing before the election that on that day all would be quiet, and thus wear the semblance of fairness. This preconceived purpose was generally successful, and election-day was profoundly quiet. At many boxes even this did not complete the subjugation, but colored republicans came to the polls united and determined to vote. When this was the case direct violence was often resorted to: pistols and clubs were used to drive men from the polls; men were there to tell them they were "spotted" or "marked" if they voted the ticket of their choice. When this was not done, the polls would not be opened until 12, 2, or 4 o'clock at large republican boxes, so that not one-fourth could vote until the polls were closed: or judges and clerks would delay and procrastinate voting, so that two or three hundred only would be voted in a day at a box, leaving, sometimes, three-fourths at the polls when they closed who could not vote. A combination of these and other modern inventions to defeat men in their right to vote

accomplished the result of a victory to Tilden and "reform" on the 7th of November, in Mississippi. The colored republicans of the State were not better united or more anxious to vote the ticket in 1873 than at the election last fall, if the same chances had been given them to vote. Then the majority was 22,976, and the republican immigration of *voters* to the State since that time has not been less than 15,000. And yet a glance at the result in a few counties of the State in the two years of 1873 and 1876 will show the mockery of the past pretended election, and how the voice of the people, such as the colored republicans are, can be stifled by a party whose motto is, "Carry the election peaceably, if you can, but forcibly if you must."

County.	Vote of 1873.		Democratic majority in 1876.
	Republican.	Democrat.	
Amite	1,080	407	1,270
Claiborne	1,880	39	1,076
Grenada	1,152	543	500
Hinds	3,418	1,184	3,037
Lowndes	2,785	680	2,009 (all but 2)
Madison	2,358	354	1,300 (all but 13.)
Noxubee	2,378	103	201
Oktibbeha	1,233	44	350
Yazoo	2,427	44	3,800 (all but 2.)
Tallahatchee	812	353	All but one.

This is but a natural result, if the fraud and violence I have stated be true, and nothing less than the circumstances I have stated could have accomplished the revolution with men, ninety-nine hundredths of whom feel that they owe their freedom and hope of protection in the future to the republican party.

I desire to make this general statement in regard to the past canvass and election in the State of Mississippi, which is undeniable as a fact, and it appears suggestive in simplifying the complications and doubts connected with the Mississippi election:

1st. No democrat will dispute that during that canvass republican meetings were broken up in every part of the State, often with bloodshed; that republican speakers were insulted, threatened, and driven from the stand.

2d. That thousands of republicans were from some cause denied registration, and that thousands could not, from some cause, vote on the day of election.

3d. No democrat can say that during the entire canvass can an instance be cited where a democratic meeting was either broken up or where, by word or act, the least offense was offered a speaker, or the least disturbance of their meetings, although it is a fair estimate to say the democrats held fifty meetings in the State where republicans held one-fourth. I doubt if a single instance can be given in the State where a democrat was refused registration from technical questions asked him as to what township, section, and range he lived in, &c.,

although in some cases one thousand republicans were denied registration on those grounds in a single county.

5th. Not one case can be cited where it can be even *alleged* that a democrat was afraid to come to the polls to vote, or where he was driven from the polls, or the least indignity shown him; or where he failed to vote by reason of the delays and tardiness of judges and clerks on the day of election, although at some boxes as many as five hundred republicans did not vote from those causes.

6th. No democrat in the State will say that he feared to attend any political meeting or club of his party on account of supposed riots and violence by republicans. If these several statements be true, and they will not be controverted, what do they signify, and what suggest to all fair-minded men, as to the responsibility of the troubles in Mississippi, and the purpose and object of that violence? It cannot be alleged that the violence and riotous conduct of democrats at republican meetings was the result of sudden and unexpected outbreak from intemperate and irresponsible persons, but it was the action preconceived by democratic politicians. Take, as example, the violence with which John R. Lynch meetings were broken up at Port Gibson on the 21st and Fayette on the 28th of October. It was determined by leading democrats, and well understood long before those meetings were held that they would be broken up. I had letters from leading republicans from that section long before those meetings, saying that it was utterly useless to attempt to hold meetings there. (Read McClure's letter.) This was at the Fayette meeting. From Port Gibson I had letters and other advices long before the meeting was held that it would be broken up. There were in succession two meetings violently broken up, and the third, at Rodney, Lynch dared not attempt to hold on account of open threats and the clear indications he had of a riot.

In many cases colored republicans would receive letters a few days before the election inclosing democratic tickets, saying, "Vote this ticket, or you die before sunset." (See Garland's letter.)

At Shoobuta and Enterprise armed bodies of men came to town in companies the night before the election and camped all night. This was done at the request of the democratic paper published there. This demonstration had the effect intended—kept hundreds of colored men from the polls. (See Hancock's letter.)

Many of the registrars had their lives threatened if they continued their duties on the registration-board, and thus they were forced to resign. (See Thompson's and Bruce's letters, Claiborne and Lee Counties.) In Muldrow's district, Lee, the republican candidate for Congress, and Frazer, republican elector, were compelled to abandon the canvass. This surely was from no ill-founded fear. At Starkville democrats were fully armed and in full force, and their violence or demonstration was such that Judge Orr, democrat, and other thoughtful democrats, advised the abandonment of the meeting, and it was done. The next day, at Artesia, their meeting was broken up and one hundred shots fired at the flying negroes. The following day was their appointment at Crawfordsville, and then at Columbus. Both were abandoned on account of threats of violence even greater than at the other places named. Very much the same condition of affairs existed in Walter's district, where Colonel Manning was elected from. The bloody affair at Hernando, when a political meeting was broken up, occurred in this district; while in Colonel Chisolm's district, represented now by Captain Money, the condition of affairs was even worse. At his own home, De Kalb, armed men in great numbers came to town on the day he was to speak, went to his house, and in the pres-

ence of his family defied him to come out of his own house, fired volleys over it and into it. He not only did not and could not speak, but dare not come out of his own house, and dare not come to the polls on the day of election, though a brave man.

So completely panic-stricken had the colored republicans become at these acts of violence and at the number killed and otherwise maltreated in all parts of the State, that we were impressed with the utter hopelessness of bringing out the republican vote. And more especially a feeling of humanity prompted me to call together a number of prominent republicans a few days before the election to discuss the propriety of entirely abandoning the canvass, and not attempt to vote, and issue an address to the nation to that effect. That meeting was attended by many prominent men in the party. It was but a few days before the election; and in view of the fact that we had not time to advise with our candidates for Congress, it was thought impolitic to take this step before at least conferring with the national executive committee to know if such action would in their opinion injure the party in the contest, saying to him that the violence and bloodshed was so great that the contest was hopeless. Yet we did not abandon the canvass or election, but struggled to do all which could be done; but the earnest discussion that night in favor of abandoning an election to an opponent, when we knew that we had a majority of 30,000 over him, of itself was a sad picture of our political condition, and a humiliating spectacle to be witnessed in a free government. Nor can I imagine any good reason for this exasperation and violence upon the part of the leaders in the democratic party. Formerly the democratic position had been that their great opposition to the republican party was that those who were officers and candidates were "carpet-baggers," with no interest or identity with the State; but last year, of the six candidates for Congress on the republican side, but one was from the North, and he had married and lived in the South since the war. Judge Hancock, our candidate in the fourth district, was an old and estimable citizen, I believe born in the State, and for many years circuit judge, and a democrat. Colonel Walton was also born in the State, and a gallant soldier in the confederate army. The same was true of Captain Lee, our candidate in the first district; while Judge Chisholm had lived in the State forty years, had held many important positions in his county when acting with the democratic party. Mr. Lynch, too, was born in the State, a colored man of intelligence, of fine moral character, and popular with all who know him. With this class of men the objection could not be to them on the grounds generally alleged or to anything in their character and standing as gentlemen. Nor did the taxation which the republican party had levied upon the citizens of the State or the State debt justify or tend to furnish any excuse for this violence. The taxation was not greater than that of almost any State which might be mentioned. The State debt when the democratic party assumed control of the State, according to the democratic treasurer's report, was only $1,047,000. The extravagance of the legislative branch of the State government under republican rule compared very favorably with the expenditure while the democratic party was in power. To illustrate and to compare the two, take the years 1865 and 1866, when the State government was in the hands of the democratic party, and we find the following figures as the State expenditures:

1865	$1,410,250 13
1866	1,860,809 89

Now compare the last two years of republican rule, so that we can compare the profligacy of the two parties:

1874	$908,330 00
1875	618,259 00

Thus it will be seen that the expenditures of the State government when the democratic party was in power was almost twice as much as under republican rule.

Mr. McCaskill. I object to that, because it is more in the nature of an argument and a political speech than testimony.

The Witness. I am through now, with the exception that I am prepared to be cross-examined.

(The following is a copy of the address of the State executive committee above referred to, and offered in evidence by the witness:)

Address of the State executive committee to the republican voters of Mississippi.

In a State whose civil government has been overthrown, and whose power has been usurped by force, fraud, and intimidation, where the usual means for canvassing for votes by arguments and appeals, addressed to the judgment and patriotism of men, have been abandoned, and where mob violence, unfair registration, and fraudulent counting of votes are notoriously relied upon to perpetuate the unlawful rule of the political party now in power, had we not an abiding faith in the final triumph of truth, right, and justice, it would be little else than folly to engage in the preparation of a formal address to the down-trodden and disheartened republicans of Mississippi. Under other circumstances it would be an easy and pleasing task to analyze and exhibit the soundness and correctness of that platform of immortal principles adopted at Cincinnati, as well as to portray, in natural colors, the excellence of the character of those pure men and patriotic statesmen, Rutherford B. Hayes and William A. Wheeler, who have been selected as our candidates. Under more favorable auspices, such as are enjoyed by freemen in other States, the present political campaign would indeed be an occasion for mutual congratulations and rejoicings, for it has never occurred in the history of this country that a party has commended itself to the confidence and support of the people in stronger claims, in its principles and its candidates, than those now presented by the republican party. And no future event is more certain than that Hayes and Wheeler will carry this State by a majority of thirty thousand if impartial registration, free speech, and a free ballot, and a fair counting of votes shall prevail in the election.

And yet, notwithstanding this, which is a fact known to all men, there are those among the best thinkers of our party who seriously suggest that it would be better to abandon the contest and retire from a hopeless canvass. This of itself is the saddest as well as the most significant index of the condition and circumstances which surround us. With a candidate for the presidency whose whole life has been one of spotless purity and integrity, whose character as a citizen has been without a stain or a blemish; as a soldier brave and fearless; as a statesman wise and patriotic; with a platform every paragraph of which is a comprehensive commentary upon the constitution itself—with this model man—upon this model platform, we have arrayed against him a man charged with perjury, upon the evidence of nothing less than his own two distinct and admitted affidavits each in direct antagonism with the other, and each having a selfish end in view; a man who originated and intrigued the unblushing frauds in elections in New York in 1868. So undeniable was this shame upon Samuel J. Tilden that Horace Greeley, the democratic candidate for President in 1872, in his blunt, honest way, wrote these words to Tilden:

"Mr. Tilden, you cannot escape responsibility by saying 'Thou canst not say I did it;' you not only by silence, but by positive assumption, have covered these frauds with the mantle of your respectability. On the principle that the receiver is as bad as the thief, you are as deeply implicated in these frauds as though your name was Tweed, O'Brien, or Oakey Hall."

And this is the man—a shyster in bankruptcies, a manipulator of wrecked railroads, a credit mobilier advocate, a Tammany trickster, who, bloated with ill-gotten wealth, essays to stride into the presidential chair by the help of his money in the North, assisted by fraud and violence in the South.

Standing upon an anomalous patch-work of platitudes called a platform, which means anything, or everything, or nothing, just as each interpreter may choose to construe it for himself, Samuel J. Tilden, introduced upon the stage to play once more the infamous and long-exploded role of a "northern man with southern principles," confidently looks to Mississippi for her eight electoral votes, when he knows, and everybody else knows, that a fair election would give a majority of thirty thousand against him. In all their calculations democratic statisticians class Mississippi with the States for Tilden. Mississippi democrats

have pledged the State for him long ago. It remains to be seen whether they will make the pledge good. It has been demonstrated most clearly that the democrats can overthrow the civil government of the State. That is a living fact before us to-day. But it remains to be seen whether they can overthrow the Government of the United States. It is within the sad memories of men now living that one strenuous effort in that direction failed. The second may prove equally disastrous.

With us in Mississippi there is but one important issue in the pending canvass, and that is the issue of political life or death. While we give a hearty support to that financial policy which will preserve the honor of the nation in all its obligations; and while we concur in all the schemes and policies which will increase the power and glory of the Government, and at the same time provide for the prosperity and happiness of all our people, there is still another question of far greater import to us—a question which rises above and overshadows all the theories of hard or soft money, sectarian schools, Southern Pacific Railroads, tariffs, &c.—with us it is a question of human rights and human liberty. The issue which we have at stake is whether we are to be permitted to vote as we please, and live, or not. It has come to this at last, and upon this we appeal to the high tribunal of the Government of the United States, and enter as well as we may upon the canvass.

It would seem a useless task to undertake the discussion of the platforms and official addresses of a party whose high-sounding pretensions are uttered only to deceive. When the leaders of a party take pride in the boast that they carry their elections by "stepping across the platform," and ignoring it, the platform becomes a sham, and official addresses but ostentation and parade, which signify nothing. When the only issue upon which all elements of the party agree is their slogan of battle, "carry the election peaceably if you can, forcibly if you must," it would seem to make but little difference what their political professions are, or whether they have any at all. The devil might make a platform of the ten commandments, and have an executive committee to defend them in a most eloquent address, such as was put forth in pamphlet form by the executive committee of the democratic party of the State, but his purposes and practices would be no less satanic on that account. How could we argue with him about his principles, knowing all the time that his real purpose was to hurry us into Lucifer's dominions of "dismal gates barricaded strong?" A discussion of political principles with the modern style of democrat would promise no better results. As an illustration, we have only to refer to the first paragraph in the platform of the democratic party, adopted in the city of Jackson on the 14th day of June, which is as follows:

"*Resolved*, That the democrats and conservatives in convention assembled proclaim their heartfelt gratitude for the complete victory which was won by the advocates of reform in the election of 1875 over the incompetent, corrupt, and proscriptive political organization which had held unlimited control of the State government for six years, and that they emphatically repel the imputation that it was won by any other than the legal, honest, and sincere efforts which the justice of their cause and their duty as freemen to maintain unimpaired their inalienable rights demanded them to make."

We suppose that the blessings of a merciful God had been invoked upon the deliberations of that convention, and that this resolution was adopted in the presence of the minister who pronounced it. What reply can we make to that? Is there a man, woman, or child in the State who believes it to be true? It is no wonder that the venerable member from De Soto County insisted on "having no platform at all." While he was apparently willing to go with the crowd and "carry the election," he seemed to be reluctant to burden his soul with this unnecessary sin. If we mistake not, a committee of the United States Senate was at that time in the State taking testimony as to the manner in which the "victory of 1875" was won. We all know that the investigation was made hurriedly; not one-tenth of the evidence was taken that might have been, (all of which, however, is still available.) But in the few days in which the committee was engaged a mass of facts were accumulated which, when published, will astonish a civilized world. So notorious has the Mississippi election of 1875 become, that in all the Southern States, when for "political purposes" it becomes necessary to raise a riot or perpetrate an election fraud, it is called the "Mississippi plan." Even Messrs. Bayard and McDonald, democratic members of the Senate investigating committee, in their apology for the "White League" of Mississippi, which they called a minority report, are compelled to admit that in one county at least "there can be no doubt that a wholesale fraud was committed, and that a ticket not voted for in the county was returned as if elected." And yet, notwithstanding this, and notwithstanding three hundred republicans were slaughtered in Mississippi in 1875; notwithstanding all we have seen and felt and know, the democratic party, in convention assembled, on the 14th day of June, with all the eyes of Mississippi upon them, without a blush of shame upon their cheeks, declared that they "emphatically repel the imputation that their triumph was won by any other than legal and honest and sincere efforts." We make no further comment. The resolution is a sufficient commentary upon the standard of morals thus erected. It was not expected that the statement would be credited in Mississippi. It was not in fact manufactured for this market. But these schemes of deception are beginning to fall equally flat at the North. They understand that when criminals are arraigned for trial, they usually plead "not guilty."

If that emphatic prologue foreshadows the character of the play, what value are we to attach to all the other patriotic professions which abound so plentifully in the democratic platform? The Pharisees prayed the loudest, yet it is generally conceded that they were the greatest hypocrites. Upon an examination of all their boasted pretensions, we find them equally insincere and equally unreliable.

For instance, it is well known that during the entire six years of republican rule in this State, notwithstanding the combinations and co-partnerships which were now and then made, one of the most persistent and universal complaints that employed the tongues of orators and the pens of editors was the question of "public printing;" stump orators grew hoarse; printing-presses groaned and creaked with the denunciations of the "big steal," "infamous printing bill." But when it pleased an inscrutable Providence to permit the democratic party to curse this State with its blighting power again, a committee, whose chairman was a democrat and a practical printer, and claimed to possess all the knowledge of an expert, was appointed to examine into the printing business, thinking to find here a stupendous and startling robbery. But in their report this committee say substantially that "the rates as charged were not exorbitant," and a young democrat, who had acquired a seat in the senate from that district where "stepping across the platform and going for them boys," was the motto, seems to have been somewhat unsophisticated in the ways of the party; not knowing but truth was as acceptable there as elsewhere, he had the temerity to oppose an increase of the rates, when a bill for that purpose came up for consideration in the senate. With one voice the democratic press of the State assailed the young senator, and for a few weeks his blood must have run continuously cold. Stung in his very vitals, the young senator rose to explain, and in a public letter to a democratic newspaper, said: "I opposed the bill because it raised the compensation for printing to more than double the rate established by the radical act, which the press of the State were loud-mouthed in denouncing as the 'infamous printing bill.'" And yet the democratic party, as one man, would rise up and "emphatically repel the imputation" that they had not achieved a magnificent reform in the matter of "public printing," the written testimony of two of their witnesses to the contrary notwithstanding.

FREE SCHOOLS.

Perhaps one of the most beguiling, cunning, and deceitful mockeries that was ever thrown into the face of an offending people is found in the public-school system of the State, as devised by this "reform democracy." Their devotion to free schools, about which they are laconic in their platform, and so exuberant in their speeches, was manifested by repealing the two-mill tax for the support of them. Certainly this was not a very healthy beginning for an enterprise which was expected to flourish under the magnetic touch of their legislation if their promises were to be relied upon. In lieu of this, the legislature directed the distribution of a certain fund which they found in the treasury. It is further provided, if this should fail to make an amount equal to the school-tax of last year, then the treasurer shall make up the deficiency out of the general fund.

The liberality of this provision shrinks, and the brilliancy of the idea grows dim in the presence of the well-known fact—well known to every member of the legislature except its intellectual parasites—that there was not a nickel belonging to the general fund in the treasury. But while they thus destroy the substance, they attempt to keep their delusive bubble from being broken at least before the election this fall, and for this purpose they enact a law whose meaning is exceedingly vague. It provides that "public schools shall be maintained five months in each scholastic year." On its face that looks well indeed, but how many schools? Two schools in a county for five months would be a literal compliance with the law. It is well known that a large number of democrats in the State are opposed to "nigger schools;" others are more liberal in their views. It seems that it was necessary to adopt the legislation to suit the views of both classes. The school laws of to-day are, therefore, like the peddler's suspenders, long enough for a man or short enough for a boy. Those who favor the education of the masses, are directed to the law which requires schools for five months, although how many schools, or where the money is to come from, is not so clear; while those who are opposed to schools chuckle over the idea that no tax was levied for school purposes. Like the Georgian's fish-trap, it catches them going up or coming down. Verily, Samuel J. Tilden must have been imbued with the spirit of this law when he wrote his views on the currency question. Another direct stab at the school system of the State is found in the reduction of the pay of teachers to $40 per month. No one supposes that a child will have an opportunity to attend school for a longer period than five months in any one year, and under the present arrangement few of them will have that privilege. It is certainly important that during that brief period the services of the best trained professional teachers should be engaged. With only five months' employment the teachers will get only $200 per annum, half of which, at least, will be required to pay his board and other expenses during his term of service. With only $100 to maintain him the remainder of the year, what is the teacher to do? Will first-class teachers engage in the work? Will the hearts of any of them be enlisted in their labors? A poor school teacher is a nuisance and a positive disadvantage to any community of children. Again, it would

be positively gratifying to a large number of well-meaning individuals if a clear and comprehensive construction could be given to sec. 6 of the act of April 12, 1876. It reads thus: "That teachers of public schools may contract with patrons for additional compensation, or may, by and with the consent and approval of the trustees, charge additional tuition, and the trustees may, when practicable, establish schools for the benefit of the children of such persons as may be unable or unwilling to pay for extra tuition. In the absence of such other school facilities, no pupil shall be denied the privilege of attending any public school without extra compensation; provided, that no pupil shall be entitled to attend for a longer period during the year than the time fixed for the maintenance of each school in the county or district."

Upon the first reading the lucidness of this section is absolutely startling. A second perusal begets a doubt as to its meaning; while a close scrutiny involves it in impenetrable obscurity.

And thus it is with the school system of the State, in keeping with other pretended reforms, claimed by the democracy; it is a sham and a fraud. And yet the democracy, as one man, are ready to rise up in solemn convention, if necessary, and "emphatically repel the imputation" that they are not the champions of an efficient system of free schools.

ECONOMY AND REFORM.

It will be found upon examination that the claims of the democracy as economists and reformers are equally fraudulent and fallacious.

According to the treasurer's report, the outstanding debt of the State, on the 1st day of January, 1876, (the day when the democracy took possession of the machinery of the State,) was	$1,047,000
From this must be taken money on hand, arising from State taxes of 1875, which was	600,028
Thus leaving the total State debt on the 1st day of January, 1876, only	$446,972

Certainly this was a very satisfactory showing and a very convincing proof of the healthy condition of the finances of the State, and if called upon it would be difficult for these self-styled democratic reformers to find a State in the Union under democratic rule which was in as good a financial condition when the democracy thrust itself into power. In the two preceding years 1874, receipts over expenditures were, $49,000, while in 1875, after collection of taxes for that year, $400,000. Compare this with the year 1865—democratic rule in the State—where we find disbursements over receipts $300,000.

In the ninety days when the "great party of reform" kept the legislature in session, they increased the public debt $227,000, being a trifle less than one-half of what it was after six years of republican rule, as will be seen from the figures above given. When the democracy took forcible possession of the State, warrants were selling at 98 cents on the dollar. How many States under democratic rule exhibit the solvency of their financial system so satisfactory as this simple but potent fact, known to all men. For six long, hungry years the democrats had howled about corruption, high taxes, and the wretched financial condition of the State under the republican party. The above are facts and figures as an offset to the grave and sweeping charges of democrats, one class of whom knew better while the other did not, but their ignorance of facts should have silenced their tongues. When the democratic greed for office could not longer be restrained, and when, at last, they rushed in by force, and defiance of all law and order, they felt that it was necessary that they should make it appear that what they had heretofore charged was true; that the taxes could be and should be reduced without detriment to the public service. Thus to make it appear, the first thing they did was to borrow $227,000 from the Agricultural College scrip fund. Be it remembered that this fund had been invested in 8 per cent. State bonds; it was borrowed for the State at 5 per cent. for twenty years, thus losing to the college fund 3 per cent. per annum, or a sum total of $136,200. Is there any economy in borrowing one year what you must pay in the future, even if it does carry with it the luxury of robbing the school fund, as above shown? It is merely dodging the issue so as to "make it appear." It is but a subterfuge by which the day of reckoning is put off. That much and no more.

But this "great party of retrenchment and reform" was in a strait and something had to be done. They found that the State taxes for 1875 was 9¼ mills, 2 mills of which had been levied especially for school purposes, leaving 7¼ mills for general purposes. As before stated the democratic legislature repealed the school tax instanter, and fixed the State tax at 6¼ mills. That is only ¾ of a mill less than they found it. We will now see how they were able to make this trifling reduction. One hundred and twelve thousand dollars of agricultural scrip bonds matured January 1, 1876; they were paid, and this money which had accumulated in the treasury under republican rule, was at once appropriated for general purposes. This was so much cash advanced the democrats by their republican predecessors. Then there was a surplus of money on hand which had been collected to pay interest on State bonds, amounting te $50,269; add to this the agricultural scrip fund, $112,600, and

you have $162,869. Keep these figures in mind as it is the amount borrowed by the democratic legislature, and appropriated for general purposes, and by thus rudely seizing this sum they were enabled to reduce taxes ¾ of a mill. Now, let us see: one mill of taxes will produce about $112,000; ¾ of a mill will produce $84,000. So this is the full amount of the reduction made by the democracy in the State tax, and to enable them to accomplish this reduction they were compelled to use the borrowed money, as seen above, $162,869 of republican cash, or nearly twice as much as the amount of the reduction. And this, according to modern democratic lexicographers, is called "reduction, retrenchment, and reform," when palpably we find that it has taken an advance of $162,869 to enable these reformers to reduce the taxes $84,000 or ¾ of a mill. Verily, our ideas of economy become strangely confused in our effort to make it appear as this new-fledged democracy would have it; addition must take the form of subtraction; multiplication becomes division, and all our ideas of arithmetic run the wrong way, and yet, as one man, democrats would rise up and "repel the imputation" that they were aught else than the greatest economists and reformers of modern times. Thus disposing of the "retrenchment" of the last legislature, let us examine into the facts and figures of the past State expenditures, and from these what becomes of the high-sounding pretensions and professions of the democracy? It will show them to be but fallacies and shams.

Take, for example, twenty years of democratic rule in Mississippi, and see what amounts of money their own records show were expended, and they held uninterrupted sway, as we can best ascertain from the reports of the auditor and treasurer, made to biennial sessions of their legislature. Take the twenty years from 1850 to 1870, compare it with six years of republican rule, from 1870 to 1875 inclusive, and the following is shown:

EXPENDITURES.

1850	$295,933 48
1851	226,407 41
1852	802,579 76
1853	229,288 45
1854	584,296 84
1855	311,578 19
1856	784,896 79
1857	1,667,086 57
1858	614,659 00
1859	707,015 00
1860	663,536 55
1861	1,824,161 75
1862	6,819,894 54
1863	2,210,794 23
1864	5,446,732 06
1865	1,410,250 13
1866	1,860,809 89
1867	625,817 29
1868	525,678 80
1869	463,219 71
Total expenditures for twenty years	25,532,646 44

Now, take the republican administration for six years. Expenditures for—

1870	$1,061,249 90
1871	1,319,626 19
1872	1,098,031 69
1873	953,030 00
1874	908,330 00
1875	618,259 00
Total expenditures for six years	5,957,525 78

The twenty years of democratic administration show an annual average of $1,291,632.32. The six years of republican administration show an annual average of $992,920.96.

This may be claimed to be unfair as it embraces four years of the war; but, for the sake of fairness, let us strike out the four years of the war, or the amount expended during those four years, 1861, 1862, 1863, and 1864, and add in lieu thereof the amount expended in 1860, $663,536.55, and we have an expenditure of $12,181,019.06, or an annual average of $699,200.95 as against $992,920.96. From this it would appear that the republican administration has been more expensive than the democratic administration; but there are several reasons for this. Before the war the taxes were paid in gold and silver, and everything

much cheaper than since the war; and in January, 1870, when the republicans came into power, State warrants were worth about sixty-five cents on the dollar; the capitol and mansion were dilapidated, the penitentiary and lunatic asylum were too small, and had to be extended and repaired, and all the improvements cost nearly two prices, because payments were made in warrants at their reduced value. And the judiciary system was rendered more expensive to the State by dispensing with the probate court, the expenses of which had been formerly paid by the counties; this jurisdiction was given to the chancery court, and the number of citizens had more than doubled, and all departments of State government rendered necessarily more expensive. And, again, the school system has been carried on at an expense very large, a thing that had never existed before the war. The expenditures for school purposes in the six years have been about $320,000 per annum. Let us add a few items which have been necessary since the war, and for which no expenditures were ever made by the democracy, by way of annual average, and it will be seen at a glance why it is that the expenditures have been larger than formerly.

For school purposes, (as above)	$340,000
Probate-court business by the chancery court, (probate salaries by the counties,) (Code, 1857, p. 423)	36,700
Average annual improvements on public buildings, about	100,000
County record, &c., furnished, (destroyed during the war and exhausted, &c.)	12,500
Making an average per annum of	469,200

Taking this from the average, $992,920.96, leaves $523,729.96. These were necessary expenses never incurred by a democratic administration. The only common-school system in the State before the war seemed to be a well-organized system to squander the school-fund of the State as rapidly as the same was donated to the State by the Government, as the history of the fund will show. Take these items from the annual expenditures of the six years of republican administration, and the average is reduced per year to $523,720.96, thus showing the average annual expenses of the republican administration to be, on the old basis of State expenses, actually $75,480 less than the average expenses under the democratic rule of twenty years, with less than one-half of the citizens to be governed, and at a time when expenditures everywhere were largely in advance of former years. Many other items of extraordinary expenses have been incurred since January, 1870, not included in these statements.

Look especially to the years 1865 and 1866, the only years when the democracy have had charge of the State since the surrender, so as to make a fair exhibit of their expenditures. From these it is seen that their expenditures are more than double what they have been upon an average of republican expenditures since that time, although during those memorable years of democratic rule it will not be forgotten that there was no expenditure to sustain any school system in the State. Yet these immaculate "reformers" would have a blessing pronounced upon the deliberations of their convention, and without a blush upon their cheek, emphatically repel the imputation that they were not the greatest "reformers" the world ever saw.

WHAT THE LEGISLATURE OF 1876 DID.

We do not propose to criticise closely and fully the acts and doings of this remarkable body of solons. To do so and point out their many enormities, follies, and violations of law, would require volumes of commentaries larger than the journals of the two houses combined. There were a number of bills, resolutions, &c., crude and awkwardly prepared, which were buried in the hands of the committees; but enough of them remained to show the animus of the movers, and well calculated to cast a doubt upon the capacity of Mississippi democrats for self-government. Enough, however, of their doings took the solemn form of law, and have been placed upon the statute-books of the State to make this self-styled legislature notorious throughout the remaining history of Mississippi. If democratic legislators have spent ten years in apologizing and explaining away the "black code" of 1865; if they would blot from the memories of men the legislation of that year, they are destined to have far greater reason to regret the action of the legislature of 1876. Surely the last decade has taught these men nothing. As might have been expected, the men who were elected to office by fraud, force, and intimidation, carried into the halls of legislation the same violence and disregard of law that prevailed in their election.

Accordingly, among the earliest doings of the senate was the significant preparations for securing a "reliable two-thirds majority." The journals will show how they were to accomplish that result so devoutly to be wished; how republicans were unseated and how democrats took their places, as well as how vacancies were created from republican districts. In the mean time, while this scheme was being manipulated in the senate, the house was busy in the preparation of articles of impeachment against the governor, lieutenant-governor, and superintendent of education. These were the keys which unlocked the offices in the State; hence the imperative necessity for the coveted prize. A more per-

fect and palpable pre-arrangement was never made on earth before. The gallows were erected long before the indictment was framed against the alleged criminals. Words of caution whispered by more prudent men were hissed down; old men who would endeavor to restrain the headlong were required to take back seats. The democratic legislature was on a bloody rampage for office, and the whirlwind had to have room. Constitutional restraints were scoffed at, and snapped like brittle threads. The glittering prize of office was dallied before the hungry vision of men who were to draw the indictment, and those to go through the solemn mockery of trying the accused. The thirst for official blood was maddening. To procure willing and suppliant tools to do their bidding and blacken their souls with the most damning crimes with impunity, the following act was passed:

"SECTION I. *Be it enacted by the legislature of Mississippi*, That the testimony of witnesses examined and testifying before either house of the legislature of the State of Mississippi, or any committee of either house, or before the senate sitting as a court of impeachment, shall not be used as evidence in any criminal proceedings against such witness in any court of justice," &c.

The language and spirit of a law which thus encourages perjury needs no comments from us—the law itself is its best commentator. In the course of a few weeks the guillotine was completed, formal articles of impeachment were prepared against the governor, and if there was anything in those articles but formalities we have never seen them. A more flimsy array of pretexts was never presented in any court of impeachment in the world before. Shallower subterfuges were never before made the cause of complaint, unless it was in the case of the wolf who picked a quarrel with the lamb for muddying the water, although the lamb stood below him in the stream. The very articles of impeachment constitute Governor Ames's strongest vindication. To illustrate the character of the charges against Governor Ames, and the manner of treating them by the democratic legislature, it is only necessary to give a single specification.

It seems that Chancellor Cassidy and District Attorney Deason desired to exchange offices with each other. The chancellor was a young man, and desired the more active duties of an advocate at the bar. Deason was an elderly gentleman, and preferred the more quiet duties of the bench. The exchange was effected by each resigning and being appointed by the governor. The democratic legislature charged that the participation of the governor in the "swap" was a high crime and misdemeanor, for which he should be impeached and removed from office. It is in proof, in the first place, that the governor knew nothing of the wishes of these gentlemen until their resignations were in his hands. He did appoint them, it is true, and there was no complaint from any quarter that the appointments were not good ones. This was one of the grave specifications against Governor Ames. And for this, and such as these miserable pretexts, he was driven from office. We now propose to show that in the very preparation for the trial of Governor Ames the legislature participated in a "swap" for a purpose, too, and in that act was guilty of the very crime which they impute to Governor Ames, who was not charged with any purpose except to serve the public good and accommodate a couple of worthy gentlemen. We propose to show that the legislature effected a "swap" of supreme judges. It is a grave charge; but it is true. It is a serious matter that the court of last resort—that high tribunal—can be warped by political partisans to effect their own purposes. The raids and riots of heedless boys, and men with minds diseased by passions, may have serious results; but they are generally the ebullitions of an hour, and their damage may be repaired But when the suspicion fills the public mind that the ermine of the supreme court has been stained, thoughtful men become alarmed, and justice hangs her head in shame, liberty becomes frightened, and all the avenues of society are disturbed. According to the constitution of the State of Mississippi, when the governor shall be tried, the chief-justice shall preside over the senate as a court of impeachment. Peyton, chief-justice, being in ill-health, it was deemed proper to make a change in the organization of the supreme court, so that one of the associate justices could play the rôle of chief-justice "for a season." Accordingly the house of representatives, on Saturday, March 11, 1876, deliberately passed the following preamble and resolution:

"Whereas it has come to the knowledge of this house that Chief-Justice Peyton, of the supreme court, has become physically infirm; and

"Whereas more heavy and arduous duties have been devolved [how gentle and kind] on said chief-justice than usual by the action of this house during its present session: Therefore, be it

"*Resolved*, Fully sympathizing with our beloved chief-justice in his affliction, and trusting the same may be temporary, we respectfully and kindly [of course] suggest that he resign his position as chief-justice for the present, but remain on the bench, and as soon as the present emergency [the impeachment of Governor Ames] has passed, and his health be fully restored, that he can be re-elected to the chief-justiceship by his associate justices on the bench."

Has the country forgotten what was said during the last canvass by democrats in denunciation of an alleged effort of one branch of the State government to influence this very self-same supreme justice? Will not the same remarks be applicable to the last legislature? The mournful history of this wretched affair goes to show that, acting upon the sug-

gestion of the house, Peyton did resign, and continued for a short time on the bench. In the course of a few weeks, however, he resigned finally, upon a promise of a pension of $3,000 a year. The record shows that another was elected chief-justice in his stead; and it is also a part of the record that one of the members of that dignified body [shades of Story and Marshall] voted for himself, and by his own vote placed himself in a position to preside over the trial of Governor Ames, upon a charge of permitting Deason and Cassidy to do the very thing that he who wore the royal robe of virtue had just done himself, by his own vote, and at the instance and suggestion of the very house that had presented the charge against the governor. "O, shame, where is thy blush?"

We have heard much of impeachment trials lately; indeed, impeachment has been the ruling passion of this country for the last year: but in none of the annals of impeachment of the past, from the violent deposition of the Sultan of Turkey down to the quiet removal of Fitzhugh from the position of Doorkeeper of the House of Representatives, do we find a parallel for the case of Governor Ames. The following nature of the charges against him indicate beyond question that the legislature intended to remove him from office. The insatiate love for office could not be appeased without this step being taken. The course of the senate in its decisions in the contested seats, the manipulation of the office of chief-justice, the cry of the democratic press that he must be removed from office for political purposes, the protecting shield thrown around perjured witnesses, all pointed so unerringly to this conclusion that when the distinguished counsel for Governor Ames arrived at the capital to take charge of the case, he saw at a glance that the jury had found their verdict before the case had been heard. The result is known. The legislature agreed to dismiss the articles of impeachment if the governor should resign his office. The articles were dismissed and the governor resigned. Governor Ames knew that he was innocent of any high crime and misdemeanor; but he also knew that he was doomed. But how stands the case with the legislature? As members, they take an oath to perform all the duties of their respective positions. It is one of the duties of the house to prosecute the governor who is charged with high crimes and misdemeanors, and it is the duty of the senate to try the case, except upon the admission that the charges cannot be sustained. How can the case be dismissed? In trials of impeachment, the senate is a court. Can a court dismiss the prosecution of a thief merely because the thief gives up the property? What becomes of the crime? Would it not be compounding a felony? If Ames was deemed to be guilty, was it not the sworn duty of the legislature to prosecute the case to a final trial? If they deemed him innocent, did not they perpetrate an outrage in driving him from his office? Either horn of the dilemma is equally fatal to every claim of honesty and fairness, and, although the case may never be tried except before the tribunal of the people, yet the legislature of 1876 will go down into history marked and branded as the impeachers, who should have been impeached even if they had been entitled to their seats in the outset. Many of the members we exculpate from any criminal intent in this shameless business. They were sent there as instruments to do the bidding of others, and they were "molded and shaped as clay in the hands of the potter;" they had their political magnates at home who did their thinking for them, and around whom they hovered for light as the smaller celestial bodies circle about the planet of Saturn.

ASSESSORS OF TAXES.

Let us look at the legislation on this subject by this last body of law makers, and see if it can be properly regarded either as a reform measure or one which operates to the convenience or welfare of the tax-payers. The assessor receives his commissions as allowed by former acts, (see acts of 1876, page 165,) which was then a very good office. But now the tax-payer must go to the assessor and deliver his list, and relieve the assessor from riding over the county, which was the heavy part of his work. His commissions are three per cent. on the State taxes and two per cent. on the county taxes. In addition to this he gets fees as follows: If the tax-payer fails to return his list, he must pay the assessor 50 cents, or if he fails in this he pays the collector 75 cents. Look at it as a "reform" measure. Take a county which pays a State tax of $20,000 and a county tax of $10,000, and has 3,000 tax-payers, half of whom fail to return their list, but pay the fifty cents, and what is the assessor's office worth? Commissions on State tax would be $600; county tax, $200; aggregate commission, $800; while if one-half of the tax-payers fail to return their list, the assessor collects from these $750; total, $1,550; and yet the tax-payer must lose his time to hunt the assessor up, who is paid so handsomely to do this work himself. The tax-payer will soon feel the operation of this law. It is unequal and unjust, because the forfeit paid by the poor man, who pays only a poll, is the same as that of his wealthy neighbor.

OFFICIAL BONDS.

It has been the boast of the democracy that they have all the wealth and intelligence in the State, and that by virtue thereof, although in the minority, they have the exclusive right to control the majority and fill all the offices in the State, and we find by the action of the last legislature that they attempted to enforce this doctrine by legislation. The sureties on

official bonds of all county and district officers must swear, in addition to the oath formerly taken, "that he is worth the amount for which he is surety *in freehold estate, or leasehold for twenty years. That it is situated in the county in which the bond* is made." Here are requirements never before made, and why this? It is not because there are more defalcations; the records show that there are fewer than in former years. There was of course a purpose in all this. It is well known that the mass of republicans of the State are poor, especially in lands; but the purpose and the effect is not only to strike a blow at republicans, but it is a two-edged sword which cuts also the poor man in the democratic party, and the law will do what it was intended to do—keep the offices in the hands of the rich, the landed aristocracy, who "grind the face of the poor," and drag them by the nose and force them to do their bidding, as they did in the last war, when the poor man fought the battles, while the rich man took shelter from the conscript laws behind his twenty negroes. How long will the poor man follow the rich man's party, bow down to the shrine of the wealthy, allow themselves to be exasperated by groundless charges against the only party which will give them a fair chance in the affairs of the State and nation? They have been led to assist in the ruin of a once happy and prosperous country, and to-day are following the same men, the same doctrine, the same destructive theories and corrupt practices. Mark the prediction, "the end is not yet."

REGISTRATION-LAWS UNCONSTITUTIONAL.

Article 7, section 3, of the State constitution prescribes the oath to be taken upon application for registration. That oath is set out in exact form, and in so many words. But the late "reform legislature" by an act approved April 7, 1876, undertook to prescribe a new and additional oath, (see section 5, page 70, acts of 1876.) It says: "And shall require each voter to state under oath in what election-district he resides at the time of his registration, and in what portion of said district, and if resident in any incorporated city, or town, in what ward of said city or town, and his occupation, and where prosecuted, and if in the employ of any one, who, where, and the nature of such employment." Beyond question the legislature exceeded its authority in this arbitrary requirement. When the constitution prescribes the mode of doing a thing, that is the exclusive mode: and the legislature can no more add to this than they can add to the oath of office. When the voter takes the oath prescribed by the constitution, he is entitled to registration, and the constitution says so in so many words. This is but another instance where a plain provision of the constitution has been disregarded and trampled under foot by this revolutionary and fanatical legislature. That the legislation is contrary to the constitution, and therefore void, will be determined when the case goes to the supreme court, where it will go.

CONSERVATIVES.

There is supposed to exist in this State a class of men, who, although they are allies of the democracy, insist on having a distinct and positive recognition in the nomenclature of the party, "Democratic-Conservatives." Just exactly where these men live, who they are, and what they have been doing for the past twelve months is not easy of explanation. Certainly they have made no impress in the events of the times. They did not make their presence known in the canvass last fall; nor were their voices heard in the councils of the State last winter. Has that milk-and-water class of our citizens died out? Do they exist only in name? If so, the name should be stricken out of the platform, as a bold and straightforward member insisted on when the name "conservative" was originally engrafted in the platform. A nominal claim to existence without real vitality is a sham and a fraud. We had some acquaintance with this class of "conservatives' in 1860. There was a large majority of them in the State and they were opposed to secession, but enough of them were browbeaten, lashed, and dragooned into the party of "fire-eaters" to precipitate the country into war, and the last time we saw some of them they were being marched into the confederate army at the point of the bayonet by the conscript officer, while the lordly democratic secessionist was enjoying his ease under the protection of his "twenty-negro law."

Once again the State of Mississippi has been brought by the same old leaders to the verge of another conflict with the Government of the United States. Where are the "conservatives"? Speak now in the contest between Hayes, the friend of the nation, and Tilden, the tool of "fire-eating Southern democracy," or hereafter hold your peace. We know that you are not dead. We know that you do not sleep, and you know the danger which threatens us as well as we do; but you have been lashed into silence as you were in 1860, and you dare not stand up like men and face the terrorism of the hour. We have heard you whisper around the corner that "we do not approve of the manner in which the election was carried in 1875, but we could not do anything." "We did not approve of the impeachment proceedings, but could not stop it." You could have done both if you had manifested the proper independent and manly spirit. A boisterous oligarchy has driven you into its clubs, and the clubs have compelled you to arm yourself, as the democratic law directs, and put on the "red shirt," the badge of a political madman.

We pity the poor negro who, conscious of his inability to cope with the odds against him, whether he is bribed with bread or threatened with death, marches under these influences into the democratic ranks. But for these "conservatives" who are driven into the democratic party, like sheep into the shambles, we blush. Why not rise up in the strength of that manhood which God gave you, snatch the whip from the hands of your rulers and lash the tyrants from power? A better opportunity was never offered than that which is now presented to you. If you desire to identify yourself with the Government of the United States as a nation, the republican party offers you the platform and the man. If you desire to follow as a tail to a factious state-rights democracy, vote for Tilden! keep your Winchester rifles and practice with them, for democratic folly will bring them into use again. Encouraged by its success, it will next assail the Government.

REPUBLICANS.

While we throw defiance in the teeth of our oppressors, we exhort you to bear in mind that there is no time to be lost. We urge you by all you hold dear to prepare for the solemn duty which will devolve upon you on the 7th of November next. Many of you were slaves once. The Government of the United States made you freemen; that Government is now in danger and calls upon you for help. Will you withhold it? You can come to the rescue if you will. Should Tilden be elected a republican ballot in Mississippi will not be worth the paper it is written on for the next four years. Be up and doing. "Work while it is day, for the night cometh when no man can work." Your first duty is to be sure that you are properly enrolled upon the registration-books. See to it, not only that it is done, but done correctly. Arrange it so that in each neighborhood you shall have the means of consulting with each other. Organize your clubs, establish a communication with this committee. We will endeavor to keep you apprised of events as they occur. You already know whether the tactics of the democracy in 1875 will be repeated in your neighborhood or not. We know (and we have the proof of it) that intimidation, flagrant and violent, has already been practiced in some localities. But we do not know that it will continue. The vigilant eye of the Government of the United States is now upon Mississippi, and the swaggering bully with his revolver may find himself in the clutches of the law before the election, and we have the assurance from Washington that when the iron hand of justice is laid upon the violators of the election-law there will be no "child's play." By all means register and be ready to vote, and if any of the steps in this direction are hindered or thwarted, inform some discreet and intelligent republican. He will inform the United States marshal or one of his deputies, and the man who interferes with you will soon find himself face to face with the Government of the United States. Vote if you can; and if you cannot, if you are prevented by fraud in registration, by threats or force, let the fact be known, because the remedy can be applied after as well as before the election. Much apprehension is felt touching the counting of votes. It is alleged that the late so-called legislature displayed more skill in the preparation of a registration-law strictly adapted to swindling the ignorant voter than anything else. However the law may be, and whatever may be the character of many of the registrars, we trust that upon every board there will be at least one who will not consent to commit the crime of perjury. At all events we can assure republicans, and assure registrars as well, that the most vigilant eye of the Government will be upon them. With the vigilance and scrutiny which will be given this registration and election-returns, it will be impossible to escape detection, however careful the legislature may have been to close up all avenues of detection. Be sure that the sins of those who resort to violence will find them out, and if the law has any vitality it will be applied in its full force.

HARVEY R. WARE, *Chairman.*
J. L. LAKE, JR., *Secretary.*

H. MUSGROVE.	W. M. HANCOCK.
J. D. CESSOR.	J. L. MORPHIS.
J. W. BYNUM.	J. W. LEE.
V. W. THOMPSON.	L. J. SCURLOCK.
R. C. POWERS.	T. W. STRINGER.
R. A. SIMMONS.	R. J. ROSS.
G. C. CHANDLER.	H. P. JACOBS.
	T. MONTGOMERY.

By Mr. PEASE:

Q. Do you think of anything further that is pertinent to the examination? If so, please state it.—A. No. sir; I have made but a brief statement of what suggests itself in connection with the canvass, and nothing else at present occurs to me.

Q. I will ask you this question. You have in your statement alluded to a good many circumstances, among others to the violence practiced

toward candidates for Congress and the intimidation of voters. From whence did you receive the information upon which you based the statement?—A. Before I answer that I will mention also in the same connection——

Mr. PEASE, [interposing.] You may put that in afterwards. Just answer this question now.

The WITNESS. Well. I would state that much of this I have witnessed myself. Again, from the temper and tone of the democratic press of the State I gathered much more; and then I received it from various sources. As an illustration, I have stated here that many of the republican registrars had resigned for fear of violence if they continued in their duties. As an illustration of the way I reached this information I have in my possession now the letters which were written to the State board of registration. The letters are from the registrars themselves, written to the State board of registration, in which they tendered their resignations and give this as a reason, that they fear for their lives if they do not not take this step. I made the statement also that in many instances tickets (I wish to give my reasons for everything) had been inclosed to republican voters, written upon them, "Vote this ticket or you die before sunset." I have now before me letters of this character which have been sent to me with the tickets in them, and with this motto written upon them, which letters had been directed to republicans in the State.

I should like to be cross-questioned on everything I say so as to draw a distinction between what I speak of my own knowledge and what I speak of from other sources.

Mr. PEASE. Is that all?

The WITNESS. I will say further that the information which I allude to of the preconceived arrangement to break up Lynch's meetings at various points, at Port Gibson and Fayette——

Q. Who is Lynch?—A. John R. Lynch is the republican candidate for Congress in the sixth district.

Q. Is he occupying any position now?—A. He is at present a member of Congress from Mississippi. I had this information that these meetings would be broken up long before the meetings were held. From various places in the neighborhood of Fayette and Port Gibson I received letters from leading republicans saying that there would be no hope of Lynch holding his meetings there; that the democratic party were determined to break his meetings up, violently if necessary. Those letters I have in my possession here now, subject to inspection, written before the meetings were held.

Q. Have you a specimen of them?—A. Yes, sir; here is a letter from McClure, of Fayette, written on the 18th of October. The meeting was to have been held on the 28th of October.

Q. This was one of Mr. Lynch's meetings?—A. Yes, sir; I will read, if it is desired, a single section from that letter, showing that long before the meeting was held Mr. McClure had knowledge that it was the determination on the part of the democratic party not to allow Lynch to speak.

Mr. MCCASKILL. You mean that McClure said he had knowledge?—A. Yes, sir.

I am informed that the democrats are not going to allow Lynch to speak here on the 28th instant. In fact, their efforts are made public, bold, and open to that effect.

Not this letter alone, but I received many others to the same effect, as to the speaking at Fayette, the one at Claiborne, and the one at Rodney: that he would not be permitted to speak. I attended Mr.

Lynch at one of his speakings myself; had an appointment to speak with him at Vicksburgh. It was a night meeting. There was no direct violence on that night, but in the midst of his speech the gas was shut off, which left the audience in the dark, consequently breaking up the meeting. The negroes, acting under the impression that some violence would be offered them, fled in dismay from the hall where the speaking was; but there was no direct violence offered. They, however, succeeded in breaking up the meeting in that way.

By Mr. PEASE:

Q. Do you know of any other public meeting being broken up in Vicksburgh during the canvass?—A. I know also of a meeting in the early part of the canvass, I think it was, where Senator Pease was to have spoken. It was at night, I believe. Public advertisement had been given. There had been no republican meeting in the city for a long time previously. I know, even from the democratic press itself, that that meeting was violently broken up; and Senator Pease himself had rotten eggs thrown at him, and brickbats and other missiles. I do not pretend to say, nor do I think, that the great body of the democratic party sanction these acts of violence; but I do say that the extreme men—the politicians and the extreme men in the democratic party—dictate and control such a policy, and those of a more moderate type are overawed into silence. Much has been said and testified to before the committee about complaints made in relation to misgovernment in the State—the manner in which the judiciary of the State has conducted judicial affairs.

Q. Will you state to the committee what you may know in relation to the character of the judiciary of the State under republican administration?—A. In answer to that question, having been connected with the judiciary myself——

Q. What position did you hold?—A. I was at one time chancellor of the State. Having been chancellor myself, I would furnish a certificate of Mr. Little, the clerk of the supreme court of the State, as to the number of cases which had been affirmed and reversed by the chancellors and judges under republican administration in comparison with the reversals and affirmances of judges previously under democratic administration.

Q. You may submit it.—A. This is a copy:

STATE OF MISSISSIPPI,
Hinds County, ss:

I, A. W. Little, clerk of the supreme court of said State, do hereby certify that during the years of 1859 and 1860 the high court of errors and appeals of the State rendered (266) two hundred and sixty-six decisions in cases that were appealed from the chancery and probate courts of said State, of which number (169) one hundred and sixty-nine were affirmed and (97) ninety-seven were reversed. And I do further certify that during the years 1872 and 1873 the supreme court of said State rendered (328) three hundred and twenty-eight decisions in cases that were appealed from the chancery and probate courts of said State, of which number (221) two hundred and twenty-one cases were affirmed and (107) one hundred and seven were reversed.

In witness whereof I hereunto set my hand and affix the seal of said court, at my office, in the city of Jackson, this 17th day of February, 1876.

A. W. LITTLE, *Clerk,*
By W. E. CAGE,
D puty Clerk.

STATE OF MISSISSIPPI,
Hinds County, ss:

I, A. W. Little, clerk of the supreme court of the State of Mississippi, do hereby certify that, after examination, I find that of the number of appeals taken from the decisions of the

chancellors appointed by Governor A. Ames, (41) forty-one have been decided up to January 1, 1876, of which number (33) thirty-three were affirmed and (8) eight reversed.

In witness whereof I hereto set my hand and affix the seal of said court, at my office, in the city of Jackson, this 4th day of February, 1876.

A. W. LITTLE, *Clerk*,
By W. E. CAGE, *Deputy Clerk*.

Of a total of forty-one cases decided in 1874-'75, the following is a summary:

Name of chancellor.	Affirmed.	Reversed.
1874.		
W. B. Peyton	5	....
O. H. Whitfield	3	2
W. D. Frazee	6	2
P. P. Bailey	1	1
G. S. McMillan	1	....
E. H. Osgood	3	1
Thomas Walton	1	....
R. Boyd	1	....
E. G. Peyton	1	....
1875.		
W. D. Frazee	2	....
L. C. Abbott	2	....
H. Cassidy	1	1
E. G. Peyton	5	....
J. N. Campbell	1	....
R. Boyd	1	....
J. J. Dennis	1	1
Thomas Walton	1	....
Total	33	8

It is thus sworn that of the appealed cases in 1859 and 1860, 36 per cent. of them were reversed. In 1872 and 1873, 33 per cent. were reversed, while in 1874 and 1875 only 20 per cent. were reversed. This, I am aware, may be only a coincidence, but the coincidence is rather damaging to the declaimers about the incompetency of the judiciary appointed by Governor Ames.

This is a sufficient answer of itself in reference to the complaints which have been made in regard to the judiciary of the State. I have already answered in reference to the State expenditure, showing that the expenditures under democratic rule in the two years when they have had possession of the State government—1865 and 1866—were almost double as great as they were under the republican rule of 1874 and 1875.

Q. Will you state what you may know in relation to the necessary expenses that may be considered extraordinary for the time the republicans had control of the State?—A. Yes, sir. I would state that necessarily, the expenses both of the State and the counties, immediately after the republican party came into power, were great, from the fact that the public buildings of every character had either been destroyed or much injured by the ravages of war, together with the bridges and other public works throughout the various counties; and it was necessary to have them rebuilt; and these things of themselves incurred a very large additional expense to what is ordinary.

Q. There were more of these expenditures of money for public works under republican administration than there were in 1865 and 1866 under the democratic administration, were there?—A. Yes, sir.

Q. State whether in 1865 and 1866 there was a public-school system supported by taxation or otherwise.—A. Not at all.

Q. State whether or not there was a system of public schools in operation in the years 1874 and 1875.—A. The school-system established by the republican party, and the first school-system they ever had, was established in the year 1873.

Q. Do you mean 1873?—A. I think it was in 1873. Was it later than that?

Mr. PEASE. No; the school-system was established in 1870.

The WITNESS. Perhaps so. Then I was thinking of that school law. The school-system itself necessarily increased the taxation considerably in the State.

Q. State whether or not in 1866 there was any military control of the State. I mean whether the State was within any military district?—A. Yes, sir; I presume it was in 1866.

Q. Under the military control of the State, tell us whether or not, to your knowledge, the United States Government defrayed a good deal of the police expenses of the State.

The WITNESS. During 1865 and 1866?

Mr. PEASE. Yes, sir.

A. Yes, sir. That is my understanding. Such was the fact.

Q. If you think of anything further that is pertinent to this examination, you can state it.—A. I cannot think of anything else, except what I have submitted in the way of statistical information.

By Mr. MCCASKILL:

Q. In the beginning of your statement which you made to this committee, you stated that the opinion prevailed among the democrats that the intimidation which had been reached in 1875 would be sufficient to carry the election in 1876?—A. Yes, sir.

Q. I will ask you to state to what extent that opinion prevailed, and to state your means of arriving at knowledge on that subject.—A. As a single instance of the information which I regarded as quite reliable, I recollected and I referred to an article which appeared in the Vicksburgh Herald, in which it made use of the expression which I used in my first statement, "that in this election it would not be necessary to fire any guns; only to pop a few caps would be sufficient."

Q. Then you base your recollection and your statement on that subject upon the articles in the Vicksburgh Herald?—A. Partly. I gave that as an illustration, simply.

Q. Have you any other illustrations to give?—A. I don't know that at present I can call to mind any specific instances. That article being an article from a prominent democratic paper, impresses itself upon my mind so that I can readily call it to mind; but I know from various channels—from individual members of the democratic party I had heard expressions which left a clear impression on my mind—that they thought there was such a degree of terrorism and intimidation in the minds of the colored men who constitute the great body of the republican party that they would scarcely dare to attempt to organize for the canvass of 1876; and they made really light of any effort which was being made by the republican party to organize.

Q. I will ask if you do not know that a great many republicans in the State said they were not going to make any canvass in 1876.—A. I do know that, and I know, as I had said in my first general statement, that chiefly, almost altogether, this grew out of the fact that they thought it was a useless thing. They were impressed with the belief, which we were afterward more firmly impressed with, that there would be such a degree of violence upon the part of the democratic party that they would not suffer us to organize as we usually had.

Q. You spoke of the registration-law of 1876, and you criticised it as a law which looked more like a law intended to prevent parties from registering than to have parties register?—A. Yes, sir.

Q. Please state what portion of that law would operate in that direction.—A. I will state there is one provision of that law which requires that every man shall say in what township and what range he lived before he would be allowed to register. I will state that there is not one colored man, in my opinion, in one hundred who has this information, or who could correctly get it, where this section of the law was enforced upon him; and in many counties it was rigidly enforced upon him.

Q. I will ask you in how many of the counties it was enforced?—A. I cannot precisely answer that question only to this effect, that in a great many of the counties where there were heavy republican majorities it was enforced.

Q. Please name the counties.—A. I am satisfied—indeed I know—that in the county of Warren it was enforced to the exclusion, is my information, of as many as one thousand five hundred republicans from registration. In the county of Claiborne I know it was enforced, and enforced to the exclusion of from one thousand to one thousand five hundred republican voters. My impression is, and I got that impression from the correct channels, I think, that in the tier of counties generally, above Warren, on the river——

Q. You are speaking now from information, and not from your own knowledge, are you?—A. I speak of my own knowledge in reference to Claiborne and Warren; I know that was so. I had intercourse with Governor Stone in reference to it, and I know that he himself was conscious of the fact that the law was being enforced in that particular, and complained of it. But my information is that the registration-board of Warren County simply disregarded his complaints. I am satisfied that he wrote to the board there and complained of it, and told them that it was not the proper construction of the law.

Q. You stated that the law required them to state the township, range, and section in which they lived, did you not?—A. Yes, sir.

Q. I will ask you if you are positive that that is not the law?—A. I think so. I do not think I am mistaken about that.

Q. It says what portion of the election district only?—A. Yes. The language of the law, I will state, is in what portion of the election district he lives, but the democratic registrars construed that language of the law to mean that they must state in what township, section, and range in the county they lived. It was a construction that they placed upon the language which was not used in the law itself.

Q. I will ask you if that construction was not confined to one or two counties in the State?—A. That is not my information. For instance, I know to my certain knowledge in two or three counties—and I have information which I deem reliable that the same was true of several of the counties on the Mississippi River, but it was not true generally throughout the State of Mississippi—that the boards of registration placed that construction upon the language of the law.

Q. I will ask you if you know what the registered vote of the State was in 1875 under the registration of 1875?—A. I do not know.

Q. Do you know what it was in 1876?—A. I might have some statistical information here among my papers in reference to that, but I have forgotten now what it was.

Q. I will ask you in regard to your old county, Rankin, if you do not know that the registration was greater in 1876 than in 1875?—A. I am

inclined to think it was; but I am satisfied in the county of Rankin that the construction such as I speak of was not placed upon the registration law.

Q. You spoke of armed bodies of men traveling over the country; I will ask you if you ever saw one of these armed bodies traveling over the country, or whether you speak from information in regard to that?—A. Yes, sir, I speak from information on that; but I have it from so many channels—I have it from democrats, too—that I believe such was the fact; that there were armed bodies of men. I have had democrats to complain of its being done.

Q. Have you not heard of democrats interesting themselves to stop that, too?—A. I have. I know of a good many citizens who are democrats in my State who are as bitterly opposed to that system as I am myself. I will go so far as to say that I believe that a majority of the democrats of the State are opposed to that system, but their misfortune is that their party is controlled by a set of men whom they cannot control themselves.

Q. I ask you to state if you ever saw an act of violence committed on a voter in the State for the purpose of intimidating him?—A. I have not witnessed it, but I have seen a number of colored men who bore upon their persons evidences of violence which had been offered to them.

Q. But you only know from their statement that it was for political purposes?—A. Just so.

Q. You stated that the judges of election delayed the votes; I will ask you if you attended any box where you witnessed anything of that kind yourself?—A. In answer to that question, I will say that at one of the boxes, the Tinnin Monument box, which I was in the immediate vicinity of on the day of the election, I saw numbers—I might say, perhaps, hundreds—of republican colored men who came from the polls complaining to me that they had been there, and they were registered, and were not able to vote. I believe I know the fact to be that the records themselves of that box test it; that there were 730, perhaps, voters registered there, and out of this number only 160 were whites; the remainder were colored. On the election-day the board only voted some 300 men in all. One-half of those voting were whites and one-half colored, but that took in the 160 whites, and left over 400 voters who had not voted at all. The officers of the election said, of course, that they did their duty, and 300 was all they could vote in one day; but our experience and knowledge of things of that kind tell us that 1,200 or 1,500 men could have been voted if there had been a disposition on the part of these officers to have voted them on that day.

Q. I will ask you if you do not know that there was a squad of United States soldiers who were carried to that box that day, and who stacked arms within thirty yards of the box?—A. Yes, sir; and perhaps that fact prevented any violence.

Mr. PEASE. Do I understand you to say that that they were within thirty yards.

Mr. MCCASKILL. Yes, sir, within thirty yards.

The WITNESS. I understand that they were stationed some one hundred or two hundred yards from the polls. There was no violence. That fact of itself prevented any violence, but it did not prevent the officers of election delaying the vote to such an extent that it answered every purpose.

By Mr. McCaskill:

Q. I will ask you if you do not know that it is a violation of law to have United States troops carried within a mile of the voting-place on election-day, both of the State law and of the laws of the United States.—A. I do not know that there is any law of the United States in reference to that.

Q. Do you not know that it is a violation of the State law in the code of 1871?—A. I believe there is a State law against it, but I am not certain that the State legislature has a right to control a national election.

Q. I will ask you if you know of any other box in the State where the same policy of delaying the vote as you charge was practiced as that at the Tinnin Monument box?—A. My understanding is—and I believe it is not denied at all—that in the county of Noxubee, where there is an immense republican majority, the method resorted to in that county at most of the boxes was not to open the polls until twelve, some at two, and some as late as three o'clock in the evening, and in that way not more than one-third or one-quarter of the voters were enabled to vote before the polls closed at six o'clock in the evening.

Q. Do you speak of that from information?—A. Yes, sir, from information.

Q. Information from others?—A. From various channels, and I have never heard it contradicted. I believe I have spoken to some democrats there from Noxubee County in reference to it, and I remember they never denied it. I believe that is not denied.

Q. Then Noxubee County, and Hinds County—the Tinnin Monument box in that county—are the only counties that you have any information in reference to that system being practiced?—A. Yes, sir; there were two systems. It does not occur to me about any other place that I can mention.

Q. You spoke in that connection in your statement about "other modern appliances." Please explain what you mean by "other modern appliances." Delays in voting and other modern appliances, I believe was the language you used.—A. Yes, sir. Well, for instance, at the Grenada box, I know from a democrat that when the republicans came to the polls and commenced voting, a pretended difficulty occurred, and men rushed to the arsenal and got their guns out, and perhaps a cannon in the street. That terrified the men until they ran away in droves from the polls, and did not come back at all. That is rather a modern appliance.

Q. I will ask you if that was the circumstance testified to by Mr. Williams here yesterday, from Grenada?—A. The same. Substantially, Mr. Williams said to me himself that such was the fact. I did not hear his testimony. I will say in that connection, captain, that my information is that in your own county, at Pelahatchie box in Rankin County, a difficulty occurred: that a negro was knocked down; that pistols were fired at them, and they ran from the polls and did not come back to vote any more. What the exact circumstances of that case were I have only through other channels than my own observation.

Q. I will ask you in that connection if, after that difficulty occurred early in the morning, the negroes did not come back and poll a full vote?—A. No, I don't think so. A great many went off and did not return and vote at all.

Q. Do you know what the vote at Pelahatchie depot was at that election?—A. I do not.

Q. Do you know what it was in 1875?—A. I do not recollect now.

I recollect that both of those years the vote as counted out showed the vote to be fully as large or larger than it was in any previous years.

About appliances—there are a great many others. As an illustration, in Kemper County, my information is, and I get it through very correct channels, I think, that men went around through the neighborhood for miles away from the polls and took in the votes of men and carried them to the box and deposited them on the day of election.

Q. State whom you got that information from.—A. I received that information from as many, I think, as a half dozen gentlemen, Judge Chisolm among them, who lives at De Kalb; a very prominent and worthy gentleman.

By Mr. PEASE.

Q. Where is De Kalb?—A. That is in Kemper County.

Q. The county-seat?—A. Yes sir.

By Mr. MCCASKILL.

Q. Please state some other gentleman who came with information from Kemper County.—A. I think I heard Mr. Gilmore say the same thing. I heard Mr. Rosenbaum state the same thing.

Q. These letters you speak of having been sent to parties enclosing tickets were anonymous letters, were they not?—A. All, sir. You mean by the parties sending them?

Q. That is what I mean.—A. Yes, sir.

Q. You spoke in your statement of one hundred shots being fired at colored men in some places and they ran off. Please state where that was.—A. That was at Artesia. That was not on election-day. That was in the canvass.

Q. At what time was that?—A. That was in the month of October, at Artesia, when Captain Lee and Mr. Frazee, and the democratic candidates, were to speak there.

Q. You spoke of Colonel Walton. I will ask you if you have talked to him about canvassing the district?—A. I have to some extent.

Q. Have you or not heard Colonel Walton say that there was no more intimidation in his district than there was in canvassing before the war, and that he was ready and willing to come here and swear to it?—A. I have never heard him say so.

Q. Have you heard that he did say so?—A. I have not; no, sir. I have heard him say, in reference to that Hernando affair, that it was difficult for him to determine who was most at fault in it; and I have heard him say that he did not know that his testimony before this committee would be of any service to the republican party, which, to some extent, answers your remark in the affirmative.

Q. You spoke of knowing that you had a clear majority of 30,000 in the State. I will ask you if you mean by that that there was a colored majority in the State of 30,000?—A. No, sir; because we have a great many white republicans in the State. I simply say that I am entirely satisfied that, with a fair vote in the State of Mississippi, the republican majority would be not less than 30,000.

Q. In that estimate, I would ask you if you do not include all or nearly all the colored people, and regard them as republicans?—A. I do; and I am satisfied that with a fair vote, such as is had in the balance of the States in the Union, ninty-nine one-hundredths of the colored men would vote the republican ticket.

Q. You referred to in your testimony, and inserted, a letter from Mr. McClure, of Jefferson County. Please state if charges were not preferred against McClure affecting his character and standing, and if he

was not indicted in the Federal court; and if, on account of those charges, many of the republicans of Jefferson County did not refuse to vote for him and run a man against him; in fact, that there was a split in the republican party in 1875, in Jefferson County?—A. I believe that was so, but I do not know that it effected any split, or anything like a permanent split, in Jefferson County; for Jefferson County, in 1875, I believe, went republican by its usual majority.

Q. Are you not mistaken?—A. I am mistaken, perhaps, in reference to that. Yes; I am mistaken about that.

Q. Then I will ask you if you do not know that such prominent republicans there as Mr. Hunt and others refused to support McClure on account of charges against him?—A. I understand that Captain Hunt and many other prominent republicans refused to support Mr. McClure, but I never understood that that affected their affiliation with the republican party at all.

Q. I do not pretend to say it did, but I am only getting at Mr. McClure's character, in reference to his letter. You spoke of a meeting at Vicksburgh at which Senator Pease was to speak, and which was broken up. I will ask you if you were there and witnessed that affair?—A. No, sir: I was not there. I get my information from other sources.

Q. You speak of the expenditures and of public works. During the time the republicans had control of the State from 1869 to 1875, state what proportion of the expenditures were on public works.—A. I cannot say anything in reference to the proportion, as a matter of course. I have no statistical information before me in reference to that. I simply know that in regard to the public institutions there, very large additions were built to the penitentiary, and a great deal of money was spent upon it, and upon the various asylums about Jackson, and the state-house and mansion. The Alcorn University was another one of those institutions.

Q. That was purchased, was it not?—A. That was purchased.

Q. I will ask you what was the average cost to the State of the State penitentiary up to 1875, under republican rule?—A. I cannot tell. I know it was large.

Q. Was it from $75,000 to $100,000?—A. More than that, I presume.

Q. I will ask you what it cost the State in 1876, after the democrats came into power; did it not net them a clear profit in 1876, and not cost them a cent?—A. I do not know as to that.

Q. You spoke of the expenditures for 1865 and 1866, as compared with those of 1874 and 1875. Now, I will ask you if the expenditures of the State were not reduced under democratic rule in 1876, from what they were in 1875, by over $300,000? Was there not a reduction in one year of over $311,000?—A. I do not know that to be so. I do not think it is an easy matter to ascertain that fact yet.

Q. In regard to public schools, I will ask you if, during the last two years of the republican control of the State, they did not pay more money to the public printer of the State than they did to the public schools of the State?—A. No, sir, I will answer that they could not do so. I think the public-school system of the State had cost from $600,000 to $700,000 a year, and I know full well that the amount paid to the public printer never was more than one-sixth of that.

Q. What was the average cost of the public printing annually during the eight years the republican party had control of the State?—A. I cannot say in reference to that. I can only say this: that the most extravagance there was in public printing, and the largest amount expended, was by the Pilot company in 1870 and 1871; in the legislature

of 1872, every member of the democratic party in the house of representatives voted for John Raymond as public printer after these expenditures had been made known and re-elected him.

Q. Was not that under an agreement between the managers of the Pilot and the Clarion, and under a further agreement with the democrats and such republicans as Captain Fisher, that the cost of public printing should be materially reduced?—A. I do not know about the further understanding. My understanding certainly is that it was in conjunction with the democratic press; that the democratic party did not particularly object to these extravagant sums paid for public printing, provided they got one-half of the earnings.

Q. Did not the democrats furnish more public schools and for a longer time during 1876, than had been furnished by the republican administration for years before?—A. I certainly do not understand that to be so. No longer ago than yesterday I read an article from a leading democratic paper, saying that as much talk as had been made about the public schools in his county under democratic rule, and the promise to give them five months, their experience had been that they could not have a public school longer than one month in his county.

Q. What county was that?—A. That was in the county of Jefferson. One and a half months, I believe it was, instead of one month.

Q. I will ask you, however, if the reports of the officers—the county superintendents of the various counties embraced in the report of the superintendent of education of the State—do not show that there were more schools in the State, and for a longer time, than there were for any year previous in several years?—A. I certainly understood the promise to be given both upon the hustings by democratic speakers and by the superintendent of public education in the State that such would be the fact; but I say that my understanding is that when it has been brought into practice, the fact has become developed that these promises have not been realized; that in practice, they cannot teach the schools so long a time as under the republican rule.

Q. I will ask you if you have read the report of the superintendent of public education of the State, made to the legislature of 1876?—A. This last year?

Q. Yes, sir.—A. I have not.

Q. The law, as it existed before, made the scholastic year from the 1st of September to the 1st of September; and I will ask you in that connection if the law did not change that—making it from the 1st of January to the 1st of January; and if the construction put upon that law in some of the counties was not that there must be an interregnum from the 1st of September until January, and that the public schools for the scholastic year are now going on in those counties and being taught? I refer to Lauderdale, Bolivar, Jefferson, Washington, and one or two others, where I believe that was the construction.—A. My attention has not been called to that sufficently to answer that question correctly.

Q. Have not the judicial expenses of the State been greatly reduced since the democrats have got into power?—A. That, I presume, is so from the simple fact that the number of chancellors and circuit judges has been greatly lessened.

Q. Have not their salaries also been reduced?—A. Their salaries, too, have been reduced to some extent; but the chief reason of the reduction of the expense has been the reduction of the number of circuit judges and chancellors. But this law for the reduction was passed by a republican legislature.

Q. When?—A. It was in the legislature of 1874, I presume, submitting the question to the people as to lessening the number of chancellors and judges.

Q. Did not that apply only to the language of the constitution in regard to the chancery-court districts and not to the judges?—A. Perhaps that may be so. No, my recollection is that it applied to both.

Q. I will ask you how long you have been a republican?—A. I have been actively participating with the republican party only about three years, I believe.

Q. Prior to that time were you not a democrat, and in the canvasses where you took an active part, were you not what was considered a bitter democrat?—A. I think I was. I think I was a democrat of the extreme type up to the time the democratic party assumed the phase of bull-dozers and political regulators, and then I changed my tactics and have been a very bitter opponent of them ever since.

Q. I will ask you if you ever heard a more bitter, sarcastic speech delivered by any democrat than was your own speech, for instance, when you had a joint discussion with Captain Fisher in Brandon, in 1869?—A. I expect so. In fact, one could scarcely retain his position well in the democratic party without he assumed that character. I was a democrat at that time, and went the full democratic scope.

By Mr. PEASE:

Q. You were cross-examined with reference to your sources of information as to the character of the late election. I think you have stated that you were the assistant United States district attorney?—A. Yes, sir.

Q. I desire to ask you whether there have been any indictments found in the recent term of the United States court for violation of the election-laws; and, if so, you may state the number of indictments.—A. Yes, sir; there have been some fifty-six indictments, I believe, found in the United States court for the southern district of Mississippi for political offenses.

Q. Since the election?—A. Since the election.

By Mr. MCCASKILL:

Q. I will ask you if there were fifty-six indictments, or fifty-six names included in the indictments?—A. Fifty-six persons were indicted; yes, sir.

Q. Were not the offices of the State, the county sheriffs and the county board of supervisors, whose duty it is to appoint the grand jurors under the State law, or a very large majority of those offices in the State, filled by republicans in 1875, and did they not hold those offices until the first of January, 1876?—A. Yes, sir; that is true. You do not mean the United States grand juries?

Q. No; the State juries and county juries.—A. Yes, sir.

Q. I will ask you if there is not a very severe and rigid State law on registration, and if the judge is not required to give that State law, in his charge, to the grand juries?—A. I recollect that there is some law of that kind.

Q. Did you ever hear of any indictments for political offenses after the election of 1875 in the State courts while these republicans were in office?—A. No; I am not aware of any. I do not think the State courts took cognizance of anything of that kind.

Q. Do you not understand this to be the law of the State?

2536. If any person shall unlawfully disturb any election for any public office in this State, such person shall be liable to indictment, and, on conviction, may be fined not ex-

ceeding five hundred dollars, and imprisoned not exceeding six months, or both; and if the returning-officer shall willfully fail to report to the district attorney any offender against the provisions of this section, he shall be liable to indictment, and, on conviction, may be fined not exceeding five hundred dollars.

A. I understand that to be the law.

Q. Is not section 2546 still the law in Mississippi?

If any registrar, appointed by law to register voters, shall intentionally refuse or neglect to register any voter entitled to registration, or register any voter not entitled to registration, he shall be punished, on conviction, by imprisonment in the penitentiary not less than one year nor more than three years.

A. That is certainly so; that is the law.

Q. I will ask you if you know of any indictments or prosecutions under this State law in the State?—A. None in the world, because these officers of election contend, and with some degree of justice, too, that they are simply acting under the regular registration-law when they refuse these men registration. They contend, and, I think, with some truth, that they are violating no law when the language of the law says that the party applying shall be required to state in what portion of the district he resides. They have with some reason contended that this gives them the privilege of asking the question, what township, section, and range they live in; therefore they would not be subject to any indictment.

Q. Did you ever hear of any prosecution being instituted against an officer there after the elections of 1875 or 1876 for a violation of any section of this election-law of Mississippi?—A. No, I believe not, for the very reason that I have given in my former answer.

Q. I wish to ask you with regard to the military companies, and especially the one of which General Smith was captain, in Brandon. I will ask you if that company was armed?—A. I cannot say. I only know this, that I know it was a company, and Captain Smith was in command; that I saw a dispatch from him to Governor Ames, tendering the services to Governor Ames of the militia. I should suppose they were armed from that.

Q. Did not Captain Smith apply at the same time for arms?—A. Not in the dispatch. He may have written so; possibly he did.

Q. Do you not know the fact that after the Clinton riot, and when Wilburn's and Caldwell's companies were being organized at Jackson, and when Governor Ames had called out the militia, there was a meeting in Brandon at which a militia company was organized, assuming the name of the old company they had there before the war, "The Rankin Guards," and that General Smith was elected captain, and Major Henry, myself, and some others were elected to the other offices, and that we at the same time and at the same meeting passed a resolution to call on Governor Ames for arms and to tender our services to him, not only for duty in Rankin County, but in any place he saw proper to order us in the State?—A. I do not know the circumstances. No doubt they were as you state them, but I was but little about Brandon at that time, and do not know the circumstances. I only knew of the organization of the company; that much and no more.

Q. Do you know whether the company did or did not have any meetings after that, having received no answer from Governor Ames?—A. I do not know as to that.

WASHINGTON, *March* 3, 1877.

GEORGE C. MCKEE sworn and examined.

By Mr. TELLER:

Question. Where do you reside?—Answer. At Jackson, Miss.

Q. How long have you resided there?—A. Four or five years; and in Mississippi the last fifteen years.

Q. Have you held any public office in Mississippi? If so, state what.—A. I was a register in bankruptcy, a member of the constitutional convention that prepared the present constitution, and a member of Congress for three terms.

Q. For six years?—A. For six years.

Q. Of what State are you a native?—A. Illinois.

Q. What is and has been the public sentiment of Mississippi, to your knowledge?—A. I wish to state, in relation to the public sentiment of Mississippi, that denunciation and abuse are not new, and have been resorted to not because of misgovernment and high taxation by republicans, but because of intense hostility to republican principles and negro suffrage. At the first election, in December, 1867, the democratic whites generally staid away from the polls and denounced those who did go. I read an extract from the Vicksburgh Times of that date, (December, 1867,) which will show the animus of the opposition:

STAY AWAY FROM THE POLLS.

We again urge every decent white man, every honorable gentleman of the Caucasian race, to avoid General Ord's election as he would pestilence and a prison. As this advice does not apply to and is not intended for the white sneaks of the Loyal League, we shall expect the last-named despicable vermin out in all their strength.

After the election the same paper published the following:

THE IMMORTAL EIGHT.

We are gratified to be able to announce to the readers of the Times that at the court-house yesterday, the only place open to the whole people, there were cast the votes of eight people only. We tried to get the names of the interesting sneaks who voted, but failed, though the Times office was and is ready to pay a dollar for the name of each voter.

That is from that same democratic paper. The article goes on to say they will secure the names, to show that there were only eight such "cowards, scoundrels, sneaks, and dogs in the city."

Some time later, but before the republicans had enacted a single law, the same paper (the Times) published the following editorial under the caption of "A good resolution:"

The democratic club of Marion, Alabama, recently adopted unanimously the following resolution:

"*Resolved*, That the members of this club, in their social intercourse, will not recognize any man as a gentleman or a friend of his country who may accept any appointment to office under the reconstruction acts of the Congress of the United States."

This resolution is good but it does not go far enough. * * * Between the white men of the South and the advocates of negro suffrage, there should be a deep ditch, a high wall, and these obstacles should be as fixed as fate and as impassable as the gulf which separated Dives from Lazarus when the former was in hell. They should be made to feel that they are despicable outcasts, cut off from all human fellowship and sympathy. Between them and us there can be nothing but hostility, eternal and undying, and there is not a murderer or a thief in the world for whom we have not more respect than we have for the vagabonds who seek to impose negro rule upon the people of the South.

This was then the common sentiment of the democratic press and democratic orators. They denounced the friends of reconstruction. They used the same language of defamation, the same threats that they do now, and they employed the term "carpet-baggers," and denounced all

northern settlers as such, and as thieves, scoundrels, and jail-birds, just as they do now, before the republican party had enacted a single law.

A little later the convention called by Congress to frame the constitution met at Jackson. A slight tax was attempted to be raised, only enough to pay the expenses of the convention.

This was also met by threats of resistance. As indicating the feeling about that time, I submit the following clippings from democratic papers:

THREATS OF VIOLENCE.

We can't pay for stealing any longer. We had rather pay for war.—(*Forest Register of October* 31, 1868.)

We are opposed to lynch law under ordinary circumstances; we want to see peace and harmony prevail once more in this State, but we are not willing to submit to every outrage and indignity these pimps of hell are attempting to force upon us, and unless it is stopped, and that speedily, we will favor the hanging of the thieves and perjurers at once as the only means of saving us from utter ruin.—(*Brandon (Miss.) Republican of November* 23, 1871.)

One good fighter and another good thinker might do wonders for our enemies in the coming contest. The party is a cowardly, currish set, one reason why the negroes are quitting them. The colored people despise a white man that is a coward.—(*Forest Register of April* 15, 1871.)

"P. C."—POLE-CAT CONVENTION.

There appears to be a unanimous disposition on the part of the people of Mississippi to resist the payment of the tax levied by the P. C. convention of our State. We are satisfied that there is no law to compel us to pay it, and we don't suppose any one is fool enough to pay it unless compelled by law or bayonets.—(*Forest (Miss.) Register*, 1868.)

General Gillem has promulgated an order enforcing the collection of the tax levied by the State military, reconstruction, scalawag convention. The day has passed when edicts from district satraps frighten honest people. There is no power on earth, far less in this military district, to force these people to submit to any such robbery.—(*Kosciusko Chronicle*, 1869.)

All we know positively about the matter is that if Congress does declare Eggleston governor of the State, *hell will be inaugurated at once, and the peace and quiet that now reigns throughout our borders will give way to rapine and murder.*—(*Brandon Republican, February* 4, 1869.)

The democratic party, if it wishes to survive the contest for the right, must meet force by force. We advise and advocate this course. If we must have a struggle let the crisis be memorable.—(*Lexington (Miss.) Advertiser, March*, 1868.)

If we of Mississippi are forced into the "best government the world ever saw," under the constitution framed by that band of northern thieves and southern negroes, we may expect to see a second edition of hell organized here, with old Brindle Buzzard Eggleston as the principal recruiting-officer. The simple fact that such a low-flung, villainous-looking, and presumptuous upstart as Eggleston, a stranger and an associate of Loyal League negroes, should force himself into the gubernatorial chair against the expressed wish of almost every white man in the State, would raise a little hell in the breast of every man who has a spark of manhood left.—(*Brandon Republican, January* 14, 1869.)

Old Puritan Sumner has introduced a bill in the United States Senate imposing a penalty of two years' imprisonment at hard labor on persons who attempt to exercise official functions in violation of the fourteenth amendment. We must swallow the (d)am-nasty oath or give up our offices to Massachusetts Yankees. So far as we are concerned they may have them all, but we would advise them to keep within doors when they come here for that purpose, as the open air of this section is unhealthy for people raised in that region.—(*Brandon (Miss.) Republican, June* 21, 1869.)

The President has ordered two more regiments of Yankee blue-coats from the western frontier to the Southern States. The savages, it is true, are burning a few houses, murdering a few women and children, and scalping a few white men almost every day; but what of that? Carpet-bag official thieves must be protected, negroes must be allowed to steal, rebels must be punished for presuming to defend their families, white men must be forced to educate the children of the black vagabonds who are too lazy to work; the escaped convicts from New England penitentiaries and western jails must be kept in office, and money enough must be stolen from southern rebels to re-elect Grant to the Presidency in 1872.—(*Brandon (Miss.) Republican, March*, 1871.)

THAT SENATE SCENE.

It was a good thing! It was a proper thing! It was a delightful scene to see and hear that lousy and cowardly spoon-thief—the chief scab upon the country's diseased body—denounced, as he was last week, by Garrett Davis, of Kentucky, as a "d——d scoundrel." Davis has vindicated the moral sense of the people in this denunciation. Butler was getting impudent enough to make some claims to respectability until this eternal check. Now let him go, with a baser mark than ever disgraced Cain upon his foul person. He is the most contemptible and contemned man in America, the leading blackguard, thief, and master coward of the century. There is but one comfort left him—there is no hell for him. Butler is too mean to go to that place. He must be annihilated.—(*Forest Register, April,* 1871.)

HORACE GREELEY IN 1871.

One of our contemporaries wishes to know why it is that Horace Greeley spoke so favorably of the condition of affairs in Texas and so disparagingly of Mississippi, when it is known and acknowledged everywhere that Mississippi is much the most quiet of the two States. The question is very easily answered. Horace is a full-blooded Yankee, and always has sold his opinions for money, and the State of Texas paid him $500 for making them an agricultural speech. *If Mississippi had given him a check for a thousand dollars he would have sworn that she was more loyal than Massachusetts.*—(*Brandon* (*Miss.*) *Republican June,* 1871.)

OPINIONS OF NEW ENGLAND.

The southern people will never follow the crazy God-and-morality, negro-worshiping, spoon-stealing, white-man-hating, outside-of-the-Constitution-standing, black-and-white-blood-mixing, women-crowing, baby-strangling, c-e-o-w-pronouncing, hell-deserving, New-England-Yankee-clock-peddling, chicken-stealing, box-ankled, bandy-shanked, round-shouldered, hypercritical, canting, psalm-singing, cowardly, cut-throat, slandering, vulgar, slimy-mouthed, onion-eating, whisky-drinking, sausage-stuffing scoundrels.—(*Iuka* (*Miss.*) *Gazette,* 1869.)

The Brandon (Miss.) Republican, for January 21, 1869, says: "Our advice to parents is, never to buy a school book written by a New England God-and-morality negro-equality Puritan. * * * * * * * *Better let your children grow up in ignorance than to have Puritan ideas instilled into their young minds.*"

Even white-skinned Boston girls have been married to negro men during the past year, and it is now confidently expected that the next generation will be a decided improvement on the Butler breed of dogs.—(*Brandon* (*Miss.*) *Republican, June* 8, 1871.)

We believe it to be our duty to hunt up, expose, and denounce this rascality of the thieving villains, and though it is an unpleasant task we intend to continue it as long as our State is cursed with the presence of the northern scum who have escaped from the jails and penitentiaries of New England and come here to rob both black and white people.—(*Brandon* (*Miss.*) *Republican, September* 7, 1871.)

"Massachusetts has more papers and more drunken men than any other three States in the Union."—(Exchange.)

And you might have added more spoon-thieves, watch-thieves, piano-thieves, United States Treasury thieves of every grade, more political preachers, more reverend blackguards, more psalm-singing hypocrites, more men in petticoats and women in pants, more free-lovism, spiritualism, and niggerism, more vice and less virtue, more politicians and fewer patriots, more republicans and fewer friends of the African, more women with false teeth, false hair, false calves, false eyes, and false bosoms, more children who never knew their fathers, and more people who think they are no better than negroes, than in any five other States in the Union.—(*Brandon* (*Miss.*) *Republican, February* 11, 1869.)

I think this is enough to show the early sentiments of the democrats of Mississippi, and I will only add this poetic gem:

The northern vagabonds which infest our land will ere long be seen skuiking back to the place from whence they came—that lovely country of hickory hams and wooden nutmegs—accompanied by a few southern renegades who have rendered themselves extremely odious to former friends by aiding and abetting in their villainy. And when these boot-licks of tyranny sneak back, carpet-bag in hand, and think of the ghost of old John Brown marching on, we ask them to think of us as a people—

What hates the Cotton Mather and the Roger Williams stock,
That dirty pile of hell's manure first dumped on Plymouth Rock.
—(*Panola* (*Miss.*) *Star.*)

As showing the continuance of this feeling by the democratic press, I submit the following. Right here I wish to add that if these party organs are claimed not to represent the sentiments of the democracy

it is their fault, not mine. After the editorial in the Westville News, saying that "if we cannot vote the negro down we can knock him down and the result will be the same," had attracted attention at the North, I heard moderate democrats say that was going too far, but I also know that since that time that editor has been elected by the democracy to represent his county in the legislature.

SECESSION RIGHT.

But while we have been compelled to relinquish the right of secession as a weapon of protection from the usurpations of the General Government, we do not, and we never will, surrender our belief in the legality of that right. We do not and we never will admit that its exercise was a crime.—(*Okolona, Miss., Southern States, September* 13, 1876.)

CHOCTAW COUNTY (MISS.) DEMOCRATIC RESOLUTIONS, SEPTEMBER, 1871.

Resolved, That we do this day organize in the interest of our State, and deem it our first duty, if possible, to deliver her from her despotic rule which the radical party has, under the name of republican, but by fraud and corruption, forced upon her patient but unwilling people.

Resolved, That the policy of the radical party since the close of the civil war has been subversive of the Constitution and destructive of the rights of States and of individuals.

Resolved, That reviewing it in this light, we do not recognize this policy, or any part of it, as permanent or irreversible, but look forward to the day when the patriotism, good sense, and love of liberty of the American people shall prompt them to abrogate this policy by constitutional means and return to the old land-marks of State-rights, constitutional liberty, and the supremacy of intelligence over ignorance.

Resolved, That the leading measures of the radical State government meet with our unqualified condemnation, and should be immediately repealed; among which we enumerate the railroad subsidies, THE FREE-SCHOOL LAW, the compulsory mingling of whites and negroes in public conveyances.

Let unanimity of sentiment pervade the minds of men. Let invincible determination be depicted on every countenance. *Send forth from our deliberate assembly of the* 18*th the soul-stirring announcement that Mississippians shall rule Mississippi though the heavens fall. Then will woe, irretrievable woe, betide the radical tatterdemalions. Hit them hip and thigh, everywhere, and at all times.* CARRY THE ELECTION, PEACEABLY IF WE CAN, FORCIBLY IF WE MUST.—(*Yazoo Democrat of September*, 1875.)

In humble imitation of the great exemplar, (Scipio,) boys, we will leave Mr. Lamar and his sort of cautious and tame men as a sort of "home guard," and step across and carry the war into Africa, and there defend the (democratic) platform. If any charge you with being untrue to democracy because you have stepped across the platform to go for its enemies, tell 'em to follow you into Africa and see how you make the wool fly for it.—(*Meridian Mercury*, 1875.)

If you "want to be an angel, and with the angels stand," just tell a South Carolinian that his grandfather was a tory, or an honest Mississippi boy that his father is a radical.—*Brandon Republican, May* 23, 1872.

The Meridian (Miss.) Mercury of August 27, 1872, gives out this significant threat, the italics being its own:

PREPARATIONS FOR MISCHIEF.

The few white men in this county who are giving their countenance and assistance to the negro population to go off by themselves and have their separate political organizations in strict negro exclusiveness, purposely, pointedly, and offensively avoiding all meetings by whites for consultation and debates upon the political topics of the presidential canvass, and treating with rude contempt all overtures of peace, reconciliation, and good-will upon the basis of the recognition and maintenance of their equal rights, are making the preparations for dire mischief, and they know it. It was precisely this sort of men who, by the encouragement they gave the negro population of Meridian and vicinity to meet in their separate conclaves, often in the night-time, and mostly out of view of the white population, where race distinctiveness and race animosities were cultivated, and the enthusiasm which numbers excite added, who are responsible for the feeling of disquiet with an ever-present sense of insecurity that oppressed this community during the terrible days of military rule proper, and which was borne without an appeal to the law of self-preservation as, we think, it *will never be borne again.*

THE FIRST SCENE IN THE PLAY OF VIOLENCE.

Below we give a list of the presidents of the negro clubs in this county. In the coming election these must be *marked men*. We request every beat committee to save this list for future reference.—(*Columbus Index, August,* 1875.)

PUBLIC MEN TRADUCED.

For several years the American citizens suffered under the infamous tyranny of Lincoln, and Stanton, and Seward. All the history of America does not show us three such soulless despots; ghouls who rode roughshod over the liberties, the rights, and the privileges of the American people; who made justice a mockery; who ruined many a citizen in the bastile, and who shackled the press, whose freedom is guaranteed by the Constitution. Each of these three has gone to his final account—the first killed in a theater on Good Friday night; the second committed suicide to rid himself of his conscience, and the third permitted to die at his home in Auburn. God grant this country may never have another such a trio.—(*Hansborough* (*Miss.*) *Democrat, November* 9, 1872.)

There always was too many dogs in this country, and since the surrender we have had an influx of the Puritan breed that is very annoying. They don't get mad much, but they steal everything they come across, and their noses were built expressly for smelling out hidden treasure. Shot-guns are best to use on this breed, but the four-legged fellows can be dispatched with strychnine."—*Brandon* (*Miss.*) *Republican, June* 6, 1872.

We have had turbulence and riot here in the South, to be sure, but they came mostly of the stimulating process of Government petting, and the incendiary influence of bureau and other agents of mischief, not omitting *those she-devils of questionable virtue*, who followed the fortunes of the bureau in the South, to wit, the "marms."—*Meridian Mercury, October* 22, 1872.

"Thieves, forgers, pimps, purps, *and Puritans generally*, had better hunt their holes, if they don't want to be skinned alive. Colonel McArdle has few equals as a newspaper writer."—*Brandon* (*Miss.*) *Republican, February* 12, 1874.

PHILADELPHIA DENOUNCED.

Look at the radical majority in the city of Philadelphia—once called the cradle of liberty—Heaven save the mark—the city of brotherly love; the home of the peace society; the home of our "Friends"—God help us—the Quakers; of the psalm-singing, nasal-twanged Methodists and other Puritans—hell is full of such Puritans and hypocrites; in this city of brotherly love, of churches and spires and steeples, of charitable institutions, colleges, and all the marks of civilization—in this city of Philadelphia, there is hatred, malice, spleen, and venom enough in the hearts of her people against the people of the South to inevitably damn the whole city, if it pleased the Almighty to rain justice upon her as He rained fire and brimstone upon the cities of the plain, and at as short notice. * * * There certainly is a remedy, if our people only had the manliness and independence to use it. In matters of commerce our merchants could ignore Philadelphia utterly, and spend their money elsewhere.—*Vicksburgh Herald, November* 16, 1872.

The Brandon Republican, February, 1872, says: "The time was when every man in the South was willing to fight for the Government of the United States, but that time has passed. They will not fight for a Government that disfranchises their best and purest citizens; that places their State governments in the hands of thieves and fools; that robs them of their liberties and their property, and adds insult to injury. Remove the disabilities of Jefferson Davis, Joseph E. Johnston, and every other southern gentleman who fought and suffered for what he thought right; call back the army of thieves you sent here to fill our offices; pension the maimed southern soldier as you have the northern soldier; remove your standing Army from our soil; repeal your odious Ku-Klux laws, and then we will help you whip the British lion if he dares encroach upon your rights, but not until then."

There is no doubt that most of the best men in the State desire immigration. Our soil is good, the climate healthy, and in most respects it is far superior to the West. Labor can be better rewarded. But I think the sentiments above expressed have kept us poor, and kept capital and immigrants out of the State. Here are two or three extracts bearing somewhat upon both white and colored immigration:

During the past week about two hundred colored people have migrated from Rutherford, Tennessee, to Arkansas and Northern Mississippi. One hundred and fifty had their way paid by a negro who had formerly worked among them. When he presented himself in a

full suit of cloth, with his hands in his breeches-pockets, with a gold fob-chain and a heavy seal dangling from his vest-pocket, displayed a big roll of greenbacks, and said "Emigrate!" all the one hundred and fifty joined in the chorus and went West.—*Nashville American, 7th.*

Of course this colored man, who procured the negro immigrants for Mississippi and Arkansas, was furnished by planters with the "greenbacks" which constituted the moving power. It is to be hoped that the planters who have engaged in this business, when the next election comes on, will have nothing to say about "negro majorities" and the terrors of "negro rule."—*Clarion, January* 12, 1876.

YANKEE PIMPS AND SPIES.

We advise our friends throughout the State to keep an eye on every stranger, and especially every Yank. who makes his appearance in their midst. The whole State is filled with pimps and spies; some of whom are pretended agents for sewing-machines, book-houses, lightning-rod companies, insurance companies, &c., and some pretend to be looking for locations to settle. Some are State and some Federal spies; all are thieves.—*Brandon Republican.*

IMMIGRATION DECLARED A CURSE.

Every negro who comes into the State of Mississippi is a curse, every one that leaves a blessing. It is directly through indolence and votes that we see our noble State falling into ruin, and yet men's cupidity, not their judgment, prompts them to call for negro immigrants. Run the white line and save your State and estate.—*Forest Register.*

I hold in my hand a copy of the Forest Register of September 15, 1875. Right above the list of the democratic candidates for election it has the following:

A white man in a white man's place.
A black man in a black man's place.
Each according to the "eternal fitness of things."
Our platform for candidates, "The Ten Commandments."

These editorial articles I find in this single issue:

A negro preacher is an *error loci.* God Almighty, in farming out his privileges to mankind, drew a line as to qualifications.

He never exacted from a nation or tribe an impossibility. As was the mental caliber, so should be their worship. Does any sane man believe the negro capable of comprehending the ten commandments? The miraculous conception and birth of our Saviour? The high moral precepts taught from the temple to the mount? Every effort to inculcate these great truths but tends to bestialize his nature, and by obfuscating his little brain unfits him for the duties assigned him as a hewer of wood and drawer of water. The effort makes him a demon of wild, fanatical destruction, and consigns him to the fatal shot of the white man.

DEAD NEGROES.

For several days and nights there has been here a kind of pandemonium called by the negroes, not inaptly, 'stracted meeting. Several hale, stout, buck negroes, worth before emancipation $1,500, are lying now the fifth or the sixth day in a cataleptic state, to outward appearances dead. The pious of their race call it "lying in the *sepulcher.*" The preacher and congregation are waiting for the resurrection. At least one hundred good field-hands have been idle all this week, waiting for Christ to roll off the lid of the "sepulcher."

Since our earliest recollection negro preachers have been at the bottom of all insurrectionary devilment in the black race. Watch the negro preachers. They are all anti-white. A Christian negro exists not in the world. Christian religion was inaugurated for Caucasians.

"If you want to see the republican column move, apply the democratic lash."—Ex.

Yes, that used to be so. In antebellum times the column made good time in old massa's cotton field under that same lash they need so much now.

Here is an editorial headed

SEE AFTER THE HOGS.

Post-oak and hickory are hung with mast, and all the hogs, large and small, will get fat if Sambo and Long Hungry will just let them alone. Our advice to hog-raisers is, if a man is found under very suspicious circumstances in the woods, drop him, and let the buzzards hold an inquest over his remains. This may be harsh, but it is the only way to raise hogs. Besides, the buzzards can have no controversy with the board of supervisors about their charges for the inquest.

Before the war I do not think such advice would be given, asking the unceremonious killing of slaves.

As showing intolerance against whites of their own party who do not work and vote the straight ticket, I would instance the fact that in Vicksburgh and other places voters are called upon during the canvass to vote an open ticket. The following notice, signed by Hon. T. C. Catchings, chairman of the democratic committee in Vicksburgh, was published in the Vicksburgh Herald a few days before election:

REGISTER! REGISTER!

OCTOBER 31, 1876.

EDITOR HERALD: To-morrow is the last day for registration. The county executive committee have done all in their power to secure the vote of this county for the democratic ticket. There are several hundred white voters in this city and county who have not registered. Without registration, no one will be allowed to vote. If the democratic ticket is defeated, it will be because a large number of white voters have not registered. The committee, therefore, want the public to know why they are defeated, if such should be the case. Any man who fails to register, unless absent or sick, is a traitor and a coward; and when the registration is over I shall have the names of all persons who do not register published, so that the public can know its enemies. To-morrow will be the last day.

T. C. CATCHINGS,
Chairman Democratic Committee.

I will also read an article headed "Let us look back to the past:"

[Herald, January 16.]

LET US LOOK BACK TO THE PAST.

As there are a few individuals in this city who are anxious to make an official bond for Peter Crosby, our *pretended* sheriff, it may be well enough for them to look back three years and learn something of the sentiments of this community. On the evening of the 2d of November, 1871, one of the largest political meetings ever assembled in this city met at the skating-rink on Crawford street. General Wirt Adams presided; Thomas Hacket and Charles Prine acted as vice-presidents, and A. J. Conklin and G. K. Burchett served as secretaries. Messrs. H. S. Fulkerson, J. J. Cowan, John McHugh, L. A. Moss, H. H. Miller, J. V. R. Cramer, John McMurray, Richard F. Beck, Ed. Ryan, and Thomas Trainer were appointed a committee to draught resolutions. The committee reported a series of resolutions, all of which were adopted without a dissenting voice. Among those thus unanimously adopted we find the following:

Resolved, That hereafter we discountenance, and regard as political traitors and *enemies to this community*, those of our people who, from *any motive*, make or assist, or cause to be made, official bonds for radical officers when elected to office.

The resolutions adopted on the evening of November 2, 1871, by the unanimous voice of the people of Vicksburgh, represent their sentiments to-day. Nineteen out of every twenty white men in Warren County stand to-day where they stood more than three years ago. They reiterate now what they said then, and they *will* discountenance and regard as enemies to this community "any man or set of men who, from *any* motive, make, assist, or cause to be made," an official bond for Peter Crosby. The gentlemen who are trying to make a bond for Crosby may as well desist. In the first place he is not and cannot be made sheriff; and he men who make a bond for the lying scoundrel will only bring upon themselves the contempt of ninety-nine hundredths of this community.

I find in the Vicksburgh Herald of November 1, 1876, such short articles as these:

Wife, don't kiss your husband if he hasn't registered.

A little five-year old democrat refused to be petted by his father yesterday because he was told that the paternal parent hadn't registered.

Tell me, dearest, can you not reciprocate my unquenchable love? Can you not smile encouragingly upon me? "No, sir-ee; not until you've registered, so that you can vote for Tilden and Hendricks, and Chalmers."

It is claimed that colored republicans resort to such practices.

In 1873, the Hinds County (Mississippi) Gazette published nearly half a column favoring a proposition to ship to Massachusetts 50,000 selected "buck niggers" for intermarriage with the women of that State. He argued that—

Both sections of the Union would be greatly benefited by the arrangement. The South would get rid of a non-producing population, while the females of Massachusetts would be furnished with a legal husband apiece, and, besides, Massachusetts furnished, in the future, with a race of men vastly superior, in many respects, to the present average Massachusetts man; and there would be an eternal fitness in this arrangement. Massachusetts has mourned more seriously over the hard fate of the poor negro than any other State, and her people have labored longer and harder to bring him up to an equality with the whites than any other people. Our first-class colored bucks are entirely worthy of the hands and hearts of the young girls of Massachusetts.

* * * * * * *

The editor, Major Harper, has been for years a United States commissioner, and now represents our county in the legislature. Here are some more of his editorials:

A DISTINCTION WITHOUT A DIFFERENCE.

The *Pilot* and its gang of robbers deserve cropping and branding for their audacity in presuming to class themselves with the honest men who came to the State in a legitimate way thirty to forty years ago; *and that they are not caught and cropped and branded and carried to Pearl River is sufficient evidence of the wish of our people to do nothing in contravention of law.—Hinds County Gazette.*

All other means having been exhausted to abate the horrid condition of things, *the thieves and robbers and scoundrels, white and black, deserve death* and ought *to be killed*, but Major Harper by no means thinks the corn-field negroes ought to be killed for the scoundrelism of Governor Ames and his ring of robbers. The thieves and robbers kept in office by Governor Ames and his robber associates, who, by plunder, are reducing the men, women, and children of Mississippi to poverty, starvation, and nakedness, *ought to be gotten rid of*, and Major Harper thinks (if the Times and Pilot are anxious to know the truth) that, for their crimes already committed, they *ought to be compelled to leave the State or abide the consequences.*

Herein he speaks of himself as Major Harper, because he was answering some article calling him Major Harper. The Times and the Pilot alluded to are republican papers at Jackson, in same county. This is the way he proposes that the democratic tax-leagues shall settle the tax question.

The leagues can determine from the figures presented to them by the committee what tax rate is necessary, and demand that that shall be adopted. Should the supervisors refuse to assent they can be dispersed, legally or otherwise, or the people can refuse to pay one dollar of the tax levied, just as the circumstances then present may dictate.—*Enterprise-Courier.*

That is all I propose to submit.

Mr. HEREFORD. (Acting in the place of Mr. Kernan.) Why can you not let some of these Mississippians who know all about this matter cross-examine you at another time?

The WITNESS. I have been asking them for several days to do so. I have been trying for days to have Mr. Singleton, who wished to cross-examine me, present, but he has been so occupied in the House that he could not come. Therefore I do not go into any personal testimony. If he were here I should like to contradict some errors in the testimony of Mr. Wilson concerning an affray in Canton in which I was engaged; but, he not being here, I will refrain from speaking of that or of giving any other personal testimony.

Mr. HEREFORD. Before I could properly cross-examine you I would have to see what was in these articles.

Mr. TELLER. This is nothing more than the introduction into the record of extracts from democratic papers. If Mr. Singleton will come over, Mr. McKee, will you be here all day?

The WITNESS. I am anxious that he should come.

Mr. TELLER. We will have no authority after to-day to take further testimony, but I suppose no one would object to your being cross-examined on Monday, if Mr. Singleton wished to come here for that purpose.

By Mr. HEREFORD:

Q. I will tell the gentlemen interested in this matter what the nature of this testimony is, and they can cross-examine you hereafter. I see from the earlier newspaper articles you have inserted as a part of your testimony that the whites were denounced in some of those articles for voting and registering; and in the later years I see they were advised to register, and denounced if they did not register. Did that change of sentiment take place in that State?—A. Yes, sir. The two periods of time are eight years apart.

Q. That change in the public press did take place, then?—A. Yes, sir; and now the democratic papers urge and force, as far as they can, the democratic voters to the polls.

Q. They urge everybody to go now?—A. Yes, sir; at least all on their side. They do not urge the republicans to go.

Q. They urge all who will vote the democratic ticket to go up and register and vote, irrespective of color, do they?—A. Certainly they do.

DEC 5 - 1933